

**COURT OF APPEALS, DIVISION II  
OF THE STATE OF WASHINGTON**

In re the Personal Restraint Petition of:

GREG MARTINEZ,

Petitioner.

RESPONSE OF THE  
INDETERMINATE  
SENTENCE REVIEW  
BOARD

Respondent, the Indeterminate Sentence Review Board (Board), responds to Petitioner Greg Martinez's personal restraint petition pursuant to RAP 16.9.

**I. BASIS FOR RESTRAINT**

Petitioner Greg Steven Martinez is a sex offender under the authority of the Indeterminate Sentence Review Board and the supervision of the Department of Corrections. On August 8, 2006, he pled guilty in Thurston County Superior Court to one count of first-degree rape of a child. *See* Exhibit 1, Declaration of Robin Riley, Attachment A; Exhibit 1, Attachment B. The court (the Honorable Gary R. Tabor) granted him a Special Sex Offender Sentencing Alternative (SSOSA) on September 27, 2006. Exhibit 1, Attachment D.<sup>1</sup> Martinez violated the conditions of his suspended sentence, however, and on September 21, 2009, the court

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<sup>1</sup> The prosecutor, the victim, the victim's mother, and the community corrections officer (CCO) who prepared the pre-sentence investigation report in Martinez's case all opposed granting a SSOSA. The sex offender treatment provider who evaluated Martinez at the time described him as a "marginal candidate" for a SSOSA. *See* Exhibit 1, Attachment C; Exhibit 1, Attachment E.

revoked his SSOSA. The court imposed an indeterminate sentence under former RCW 9.94A.712<sup>2</sup> consisting of a minimum term of 93 months' confinement and community custody under the Board's jurisdiction for life. Exhibit 1, Attachment F. On April 30, 2015, the Board ordered his conditional release from confinement pursuant to RCW 9.95.420, *see* Exhibit 1, Attachment O, and he is currently being supervised by the Department of Corrections.

## **II. STATEMENT OF THE CASE**

### **A. Facts Of Petitioner's Crime And SSOSA Revocation**

The Board, in its Decision and Reasons in June 2014, described the facts of Martinez's crime and the revocation of his SSOSA:

File materials describe the underlying offense as Mr. Martinez, at age 19, sexually assaulting the 9 year old son of his stepsister. This occurred in May of 2005. The sexual assaults occurred at the home Mr. Martinez lived in with his parents, who are the grandparents of the victim.

The victim disclosed to his mother that Mr. Martinez had sexually assaulted him by placing his mouth on the victim's penis. When law enforcement contacted the victim to interview him he became scared. He told police that Mr. Martinez had threatened him if he ever told anyone. The victim disclosed that the sexual assaults against him by Mr. Martinez occurred approximately three years earlier, when he was 6 years old. He indicated that they occurred on multiple occasions, with the majority taking place in Mr. Martinez's bedroom. The majority of the assaults involved Mr. Martinez placing his mouth on the victim's penis. The

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<sup>2</sup> Currently codified at RCW 9.94A.507.

victim related that Mr. Martinez told him he did this while the victim slept. The victim disclosed that Mr. Martinez offered to buy him gifts, and also threatened him if he disclosed the abuse.

The victim further disclosed that on one occasion Mr. Martinez had constructed a “play fort” out of blankets in the victim’s room, and that Mr. Martinez took the victim into the fort, covered his mouth, and penetrated his anus with his penis.

Mr. Martinez has admitted to all of the offending behavior as described, with the exception of the anal rape, which he denies.

As previously noted, Mr. Martinez was originally granted a SSOSA sentence in 2006, which was revoked in 2009 after four separate violation processes. The violations included: frequenting areas where children congregate by going to church without permission; entering a public bookstore and viewing photos of nude women; moving without permission of his Community Corrections Officer (CCO); and possessing pornography. It is further noted that Mr. Martinez was at one time verbally aggressive with his CCO after he was unable to provide a urine sample as directed. Mr. Martinez’s community based sex offender treatment was terminated in April of 2008 as a result of his failure to comply with the rules and poor progress in treatment.

Exhibit 1, Attachment I, at 2-3.

Martinez’s SSOSA was revoked. His amended judgment and sentence provides that he will be on community custody for any time he may be released from total confinement before the expiration of his maximum term (life). Exhibit 1, Attachment F, at 6-7, ¶ 4.6. Among other

things, the court ordered that Martinez have no contact with the victim during his term of community custody. *Id.*; *see also id.* at Appendix H.

**B. 2014 Release Hearing And Board's Conditional Release Order**

On April 8, 2014, the Board conducted a release hearing under RCW 9.95.420 (“420 hearing”) to determine whether Martinez could be released on community custody conditions at the end of his minimum term. Exhibit 1, Attachment I. Martinez participated in the hearing and was represented by counsel. *Id.* The Board also heard testimony from Martinez’s Sex Offender Treatment Program (SOTP) therapist and his Department of Corrections classification counselor. *Id.* The Board found at that time that Martinez was releasable, concluding he was not more likely than not to commit a sex offense if released on appropriate conditions. *Id.* The Board directed that he submit a proposed Offender Release Plan (ORP). *Id.* Martinez indicated that he would prefer to release to his parents’ home in Thurston County, but the Board noted that the victim of his crime still resided there and Martinez’s SOTP therapist did not believe it was advisable to release him to his parents’ home. *Id.* at 5.

In April 2015, the Board approved Martinez’s proposed release plan, which provided he would reside at an address in Tacoma.<sup>3</sup> The

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<sup>3</sup> In October 2014 and February 2015, the Board denied two of Martinez’s release plans, also to addresses in Tacoma, because the sponsors of the recommended release addresses in both instances later withdrew their support for the plan. *See* Exhibit

release plan contained an express condition that Martinez could not enter Thurston County without the prior written approval of his supervising community corrections officer (CCO) and the Board. Exhibit 1, Attachment L; Exhibit 1, Attachment M; Exhibit 1, Attachment N. Martinez was released from prison on May 20, 2015, at which time he signed and agreed to the several conditions of his release to community custody. Exhibit 1, Attachment O. In addition to the standard conditions of community custody, Martinez agreed to abide by the following specific conditions:

- A. You must enter into, successfully participate in, and complete the community phase of the Sex Offender Treatment Program. Sign all releases necessary to ensure that the CCO can consult with the treatment provider to monitor progress and compliance.
- B. You must not engage in a romantic and/or sexual relationship without first disclosing your status as a sex offender and the nature of your crime(s) and unadjudicated victims. You must also disclose any romantic and/or sexual relationships to your CCO and your sexual deviancy therapist.
- C. You must obtain a mental health evaluation within 60 days of your release and provide a copy of the evaluation to your CCO and the ISRB. You must enter into, successfully participate in, and complete all recommended treatment protocols and sign all releases necessary to ensure that the CCO and ISRB can consult with the treatment provider to monitor progress and compliance.

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1, Attachment J; Exhibit 1, Attachment K. Martinez was instructed to submit an alternate release plan.

- D. You must not enter Thurston County without prior written approval of your CCO and the ISRB.
- E. In releasing under this Order, both you and the State agree that the results of any polygraph examination required by your Judgment and Sentence shall be admissible in any violation hearings held before the ISRB.

Exhibit 1, Attachment M, at 2.

**C. Superior Court Motion To Modify Release Conditions**

On June 6, 2016, counsel for Martinez filed a “Motion to Modify Community Custody Conditions” with the Thurston County Superior Court under the 2005 cause number. The motion argued that the Board lacked any authority to impose the geographical restriction that Martinez may not enter Thurston County without prior authorization. The motion asked that the superior court strike that condition of community custody:

Mr. Martinez was ordered by the board and the department to not enter into Thurston County. ... This condition is not authorized by any RCW. Mr. Martinez is asking this court to strike this provision of his community custody. This condition is beyond the statutory authority of the executive branch of government. This issue is important to Mr. Martinez because his CCO will not consider Mr. Martinez’s request to move back home with his parents because of this condition.

On June 29, 2016, the superior court (the Honorable Carol Murphy) ordered that the motion be transferred to this Court to be considered as a personal restraint petition. On August 31, 2016, this Court accepted the

transfer and directed the Board to submit a response to the personal restraint petition.

### **III. STANDARD OF REVIEW**

A petitioner who challenges a decision from which he has had “no previous or alternative avenue for obtaining state judicial review” must show that he is under restraint and the restraint is unlawful. *In re Cashaw*, 123 Wn.2d 138, 148-49, 866 P.2d 8 (1994); RAP 16.4(a), (c). Under RAP 16.4, a petitioner may obtain relief by showing either a constitutional violation or a violation of state law. RAP 16.4(c)(2), (6); *Cashaw*, 123 Wn.2d at 148.

A petitioner must set forth a statement of “the facts upon which the claim of unlawful restraint of petitioner is based and the evidence available to support the factual allegations, . . . [and] why the petitioner’s restraint is unlawful for one or more of the reasons specified in rule 16.4(c).” RAP 16.7(a)(2). However, bare assertions and conclusory allegations of constitutional violations are insufficient to support a personal restraint petition. *In re Rice*, 118 Wn.2d 876, 886, 828 P.2d 1086 (1992).

In regard to offenders serving indeterminate sentences, offenders generally have no liberty interest in being released before serving the full maximum sentence. *In re McCarthy*, 161 Wn.2d 234, 240, ¶ 12, 164 P.3d

1283 (2007). The statutory language of RCW 9.95.420, in particular, gives offenders only a limited liberty interest in “.420” releasability hearings. *Id.*, 161 Wn.2d at 245, ¶ 19. To protect offenders’ limited liberty interest, due process requires that offenders have minimum procedural protections at .420 hearings. *Id.*

An offender may seek relief by way of a personal restraint petition if he demonstrates that the Board failed to follow its own rules making minimum term determinations. *Cashaw*, 123 Wn.2d at 150. Otherwise, all Board decisions are subject to review only for an abuse of discretion. *In re Dyer*, 175 Wn.2d 186, 196, 283 P.3d 1103 (2012). An abuse of discretion may be found where the Board fails to follow its own procedural rules for parolability hearings or where the Board bases its decision on speculation and conjecture only. *Dyer*, 175 Wn.2d at 196 (citing *In re Dyer* (*Dyer* II), 164 Wn.2d 274, 286, 189 P.3d 759 (2008)). “The petitioner bears the burden to prove the ISRB abused its discretion.” *Id.* (citation omitted).

The Court must approach the Board’s decisions “with substantial deference” because “the courts are *not* a super [Board] and will not interfere with a [Board’s] determination in this area unless the [Board] is first shown to have *abused its discretion* . . . .” *Dyer*, 175 Wn.2d at 196 (emphasis in original; quotation marks and citations omitted). The courts



“will not substitute their discretion for that of the [Board].” *Id.* (quotation marks and citations omitted). A prisoner is “subject entirely to the discretion of the [Board], *which may parole him now or never.*” *Dyer*, 175 Wn.2d at 197 (emphasis in original; quotation marks and citations omitted).

#### IV. ISSUE PRESENTED

Did the Board abuse its discretion by requiring that Martinez, as a condition of his release from confinement, receive authorization from the Board and his CCO prior to entering Thurston County?

#### V. ARGUMENT

##### **The Board Has Express Authority Under RCW 9.95.420(3) To Impose Affirmative And Other Appropriate Conditions Of Community Custody As A Condition Of Release For Sex Offenders Sentenced Under RCW 9.94A.507**

Martinez argues that the Board had no authority to impose a condition of his release requiring that he obtain approval before traveling to Thurston County. But Martinez did not have an unqualified liberty interest in being released from prison before serving his full maximum sentence. He is subject to the jurisdiction of the Board, and the Board has express legal authority to impose appropriate conditions of community custody, considering the interests of public safety and Martinez’s risk of re-offense. The Board did not abuse its discretion in Martinez’s case.

While it is the function of the sentencing court to determine an offender's punishment, the execution of the offender's sentence and any efforts to rehabilitate the offender are administrative in nature and are "properly exercised by an administrative body, according to the manner prescribed by the Legislature." *State v. Sansone*, 127 Wn. App. 630, 642, 111 P.3d 1251 (2005). It is appropriate for the administrative body to place conditions on offenders subject to parole or conditional release:

Parole (or supervised release, in the federal system) is one step removed from imprisonment. "The essence of parole is release from prison, before the completion of sentence, on the condition that the prisoner abide by certain rules during the balance of the sentence." Although parolees "should enjoy greater freedom in many respects than a prisoner, ... the Government may ... impose restrictions on the rights of the parolee that are reasonably and necessarily related to the [Government's] interests."

*Doe v. Harris*, 772 F.3d 563, 571 (9th Cir. 2014) (quoting *Morrissey v. Brewer*, 408 U.S. 471, 477, 92 S. Ct. 2593, 33 L.Ed.2d 484 (1972); *Birzon v. King*, 469 F.2d 1241, 1243 (2d Cir.1972)). Under Washington law, sex offenders who are sentenced to a "determinate-plus" sentence under RCW 9.94A.507 (former RCW 9.94A.712) are under the jurisdiction of the Indeterminate Sentence Review Board for the duration of their maximum terms, with the potential of conditional release to community custody under RCW 9.95.420 prior to the expiration of the maximum term. The statute provides in relevant part:

[N]o later than ninety days before expiration of the minimum term, but after the board receives the results from the end of sentence review process and the recommendations for additional or modified conditions of community custody from the department, the board shall conduct a hearing to determine whether it is more likely than not that the offender will engage in sex offenses if released on conditions to be set by the board. The board may consider an offender's failure to participate in an evaluation under subsection (1) of this section in determining whether to release the offender. The board shall order the offender released, *under such affirmative and other conditions as the board determines appropriate*, unless the board determines by a preponderance of the evidence that, despite such conditions, it is more likely than not that the offender will commit sex offenses if released. If the board does not order the offender released, the board shall establish a new minimum term as provided in RCW 9.95.011.

RCW 9.95.420(3)(a) (emphasis added).<sup>4</sup> A sex offender released on conditions by the Board under RCW 9.95.420 is subject to supervision by the Department of Corrections and the continuing jurisdiction of the Board until the expiration of the maximum term of his sentence. RCW 9.94A.507(6).<sup>5</sup>

In Martinez's case, the Board determined at his .420 hearing that he met the relevant criteria for release and therefore could be released from confinement so long as he is subject to several Board-imposed

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<sup>4</sup> Conditional release decisions under RCW 9.95.420 are analogous to parole release decisions under RCW 9.95.100 for offenders subject to indeterminate sentences. *In re McCarthy*, 161 Wn.2d 234, 243-44, 164 P.3d 1283 (2007).

<sup>5</sup> See also RCW 9.95.064(2) ("Offenders released under RCW 9.95.420 are subject to crime-related prohibitions and affirmative conditions established by the court, the department of corrections, or the board ....").

conditions of community custody. *See* Exhibit 1, Attachment I. One of the several conditions Martinez is subject to is the condition he is now challenging in this personal restraint petition, the requirement that he not travel to Thurston County without first obtaining approval to do so. Exhibit 1, Attachment O, Additional Condition D. Martinez, citing RCW 9.94A.703 and RCW 9.94A.704, argues that the geographical condition imposed by the Board is “beyond the statutory authority of the executive branch of government.” *See* Petition. But Martinez’s argument misreads or ignores the relevant statutes. RCW 9.94A.703 pertains to conditions imposed by the sentencing court, not the executive branch, and is therefore inapposite. And RCW 9.94A.704(3)(b) clearly authorizes the Department of Corrections – an executive-branch agency – to require that offenders who are being supervised on community custody to “[r]emain within prescribed geographical boundaries.” Moreover, Martinez has simply skipped over RCW 9.95.420(3), which expressly empowers the Board to order “such affirmative and other conditions [of release] as the board determines appropriate.”

Martinez does not cite any case law in support of his position, and there appear to be no published Washington opinions discussing the Board’s authority to impose geographical restrictions on offenders subject to the Board’s jurisdiction. This Court has issued a few opinions, however,

addressing the related subject of a sentencing court's authority to impose an order banishing a defendant from a geographical area. In *State v. Schimelpfenig*, 128 Wn. App. 224, 115 P.3d 338 (2005), the sentencing court imposed a condition prohibiting the defendant, who was convicted of first-degree murder, from residing in Grays Harbor County for the remainder of his life, to protect the mental well-being of the murder victim's family. *Id.* at 225. Schimelpfenig argued on appeal that the order impermissibly encroached on his constitutional right to travel within the state. *Id.* The Court agreed and, using the guidance provided by appellate decisions from other jurisdictions, applied a strict scrutiny standard and set forth five factors that Washington sentencing courts should consider before imposing a specific geographic restriction:

(1) whether the restriction is related to protecting the safety of the victim or witness of the underlying offense; (2) whether the restriction is punitive and unrelated to rehabilitation; (3) whether the restriction is unduly severe and restrictive because the defendant resides or is employed in the area from which he is banished; (4) whether the defendant may petition the court to temporarily lift the restriction if necessary; and (5) whether less restrictive means are available to satisfy the State's compelling interest. ... Consideration of such factors ensures that the use of a geographical restriction will always turn on a careful analysis of the facts, circumstances, and total atmosphere of the case.

*Schimelpfenig*, 128 Wn. App. at 229-30. The Court vacated the sentencing court's condition, concluding the lifetime banishment order was not

narrowly tailored to serve a compelling state interest in light of the facts of Schimelpfenig's case. *Id.* at 230. The Court cautioned, however, that "[i]n so ruling, we do not imply that countywide or other types of jurisdictional prohibitions will always be inappropriate. Relying on the well-defined boundaries of a county or city fosters the uniform enforcement of such a restriction. But the propriety of such restrictions must turn on the facts of each case." *Id.*

The Court followed the reasoning of *Schimelpfenig* to vacate similar banishment orders in *State v. Alphonse*, 147 Wn. App. 891, 197 P.3d 1211 (2008), and *State v. Sims*, 152 Wn. App. 526, 216 P.3d 470 (2009). In *Alphonse*, the sentencing court ordered that the defendant, who was convicted of felony and misdemeanor telephone harassment, not enter the city of Everett as a condition of his sentence. Division One of this Court held that the banishment order failed under *Schimelpfenig*'s principles because (1) less restrictive means were available to serve the State's interest in protecting the victim, (2) the restriction was unrelated to the defendant's rehabilitation, and (3) the sentencing court's order would not have allowed the defendant to petition the court to temporarily lift the restriction. *Alphonse*, 147 Wn. App. at 910-11.

In *Sims*, the defendant received a suspended sentence under the Special Sex Offender Sentencing Alternative (SSOSA), RCW 9.94A.670.

One condition of the defendant's suspended sentence was lifetime banishment from Cowlitz County to protect the mental well-being of the 11-year-old victim. *Sims*, 152 Wn. App. at 530-31. Following *Schimelpfenig*'s principles, this Court concluded the sentencing court's lifetime geographical restriction was overbroad and not narrowly tailored. *Id.* at 532-33. Because the banishment order was inextricably linked to the court's discretionary decision to grant a SSOSA, however, this Court remanded the case to the lower court for resentencing, including the possible reconsideration of the defendant's SSOSA. *Id.* at 533-35.

It is important to remember that the cases cited above pertain only to a *trial court's* authority to impose banishment as a condition of the defendant's sentence. The cases do not purport to limit, or even address, the authority of the Board or the Department of Corrections in their administration of offenders' sentences. There are good reasons not to extend *Schimelpfenig* and its progeny to the Board or Department's administration of offenders' terms of parole or community custody. Unlike court-imposed conditions, conditions of supervision imposed by the Board are not static but remain subject to change throughout the course of the offender's supervision. The Board is always free to relieve an offender like Martinez from a particular condition at any time if changed circumstances arise (for example, if his victim relocates to a different

county). Martinez was reminded of this fact when he signed his conditions of release, which informed him that Board-imposed conditions would remain in effect until a condition was no longer necessary based on his crime of conviction, his risk of re-offense, and community safety. *See* Exhibit 1, Attachment O, at 3; *see also id.* at 1 (“To request a change of any of the conditions of your release, you must write and have the approval of the Thurston County Superior Court for Court ordered conditions or the ISRB for all other conditions.”).

In contrast, once a judgment and sentence becomes final, the sentencing court loses jurisdiction to the Department of Corrections and/or the Indeterminate Sentence Review Board and does not have broad authority to modify the sentence:

Upon the entry of a final judgment and sentence of imprisonment, legal authority over the accused passes by operation of law to the Department of Institutions and the Board of Prison Terms and Paroles and those agencies of the executive branch bear full responsibility for executing the judgment and sentence or granting parole. . . . The courts have long recognized this division of power and the transfer of jurisdiction over a finally convicted felon from the judicial to the executive branch of government.

*January v. Porter*, 75 Wn.2d 768, 773-74, 453 P.2d 876 (1969) (emphasis added); *accord State v. Harkness*, 145 Wn. App. 678, 685, 186 P.3d 1182 (2008); *see also In re Chatman*, 59 Wn. App. 258, 262-263, 796 P.2d 755 (1990) (sentencing court cannot direct Department where to house an



offender or how to calculate good time). A trial court has no inherent authority and only limited statutory authority to modify a sentence post-judgment. *Harkness*, 145 Wn. App. at 685. Trial courts retain limited jurisdiction to vacate or alter a final judgment in criminal or civil cases “only in those limited circumstances where the interests of justice most urgently require.” *State v. Shove*, 113 Wn.2d 83, 88, 776 P.2d 132 (1989) (citing CrR 7.8(b); CR 60(b)). For example, in *Schimelpfenig* the court imposed a *lifetime* condition that the defendant not reside in Grays Harbor County. *Schimelpfenig*, 128 Wn. App. at 225. The sentencing court in that case would not have the authority to remove or modify that condition in the future (which would not even go into effect until the defendant was released from prison some 20 or more years after he was sentenced), even if there was a change in circumstances. The Board’s flexibility to modify conditions where appropriate is a sound reason to treat Board-imposed conditions differently from those imposed by a sentencing court.

The challenged condition in Martinez’s case is not comparable to a true “banishment” imposed as part of an offender’s sentence. Martinez is not completely barred from entering Thurston County: the condition merely requires that he obtain the prior approval of his CCO and the Board before he travels to Thurston County. Martinez does not allege that it is an onerous burden to get the required approval to travel to Thurston

County, nor could he. The record shows that he has received approval on three occasions to travel to Thurston County in recent months. *See* Exhibit 2, Declaration of Jill Getty. Moreover, it does not appear that Martinez has ever attempted, through administrative means, to request that the Board remove or modify the geographical condition. Instead, all he has done is file a motion with the superior court under his original criminal cause – a proceeding to which the Board was not a party – and asked the superior court to lift the Board’s condition.

The Board-imposed release condition that Martinez obtain approval before traveling to Thurston County is not an arbitrary one. It has both a rehabilitative purpose and a community safety purpose. It was imposed as a means of minimizing Martinez’s risk of re-offense in the community and to protect the victim of his crime, who still resides in Thurston County. As the *Schimelpfenig* court was careful to note, geographical prohibitions are not per se forbidden: “we do not imply that countywide or other types of jurisdictional prohibitions will always be inappropriate. Relying on the well-defined boundaries of a county or city fosters the uniform enforcement of such a restriction.” *Schimelpfenig*, 128 Wn. App. at 230. Unlike a court-imposed condition, the Board’s condition is subject to modification in the event of changed circumstances. The

Board did not abuse its discretion in imposing this requirement in Martinez's case. His petition should be denied.

## **VI. CONCLUSION**

Respondent respectfully requests that the Court dismiss Martinez's petition with prejudice.

RESPECTFULLY SUBMITTED this 31st day of October, 2016.

ROBERT W. FERGUSON  
Attorney General

s/ Paul D. Weisser  
PAUL D. WEISSER, WSBA #17918  
Senior Counsel  
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**CERTIFICATE OF SERVICE**

I certify that on the date below I caused to be electronically filed  
*RESPONSE OF THE INDETERMINATE SENTENCE REVIEW BOARD*  
with the Clerk of the Court using the electronic filing system which will  
send notification of such filing to the following CM/ECF participant:

**RICHARD ALLEN WOODROW richard@woodrowlaw.net**

I certify under penalty of perjury under the laws of the state of  
Washington that the foregoing is true and correct.

EXECUTED this 31st day of October, 2016 at Olympia, WA.

s/ Judy Lonborg  
\_\_\_\_\_  
JUDY LONBORG  
Legal Assistant  
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(360) 586-1445  
JudythL@atg.wa.gov

# **EXHIBIT 1**

NO. 49145-1-II

**COURT OF APPEALS, DIVISION II  
OF THE STATE OF WASHINGTON**

In re the Personal Restraint Petition of:

GREG MARTINEZ,

Petitioner.

DECLARATION OF  
ROBIN RILEY

I, ROBIN RILEY, make the following declaration:

1. I am an Administrative Assistant 5 (AA5) for the Department of Corrections (DOC) at the Indeterminate Sentence Review Board's (ISRB) office in Lacey, Washington. I have knowledge of the facts stated herein and am competent to testify.

2. The ISRB maintains an offender Board file for each offender under the ISRB's jurisdiction. This file contains information on an offender's sentence structure and documents relevant to his history with the ISRB. As an AA5, I am a custodian of records kept by the ISRB in the ordinary course of business.

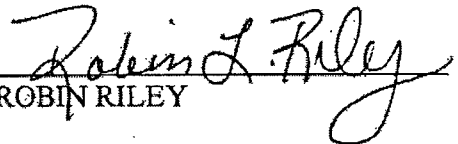
3. Upon request of the Attorney General's Office, I provided correct copies of several documents from the Board file of offender Greg Martinez, DOC No. 897221, to be used as exhibits in response to Mr. Martinez's personal restraint petition. These documents include the following:

- Attachment A: Information, *State v. Martinez*, Thurston County Superior Court Cause No. 05-1-01083-9
- Attachment B: Statement of Defendant on Plea of Guilty, *State v. Martinez*, Thurston County Superior Court Cause No. 05-1-01083-9
- Attachment C: Pre-Sentence Investigation, *State v. Martinez*, Thurston County Superior Court Cause No. 05-1-01083-9
- Attachment D: Judgment and Sentence—SSOSA, *State v. Martinez*, Thurston County Superior Court Cause No. 05-1-01083-9
- Attachment E: Findings of Fact and Conclusions of Law Re: Granting of SSOSA Option Over Objection, *State v. Martinez*, Thurston County Superior Court Cause No. 05-1-01083-9
- Attachment F: 1st Amended Judgment and Sentence, *State v. Martinez*, Thurston County Superior Court Cause No. 05-1-01083-9
- Attachment G: Hearings Review Sheet, dated January 22, 2014
- Attachment H: Decisions and Reasons, dated March 11, 2014
- Attachment I: Decision and Reasons, dated June 13, 2014
- Attachment J: Decision and Reasons, dated October 7, 2014
- Attachment K: Decision and Reasons, dated February 18, 2014
- Attachment L: Offender Release Plan for Greg Martinez, DOC No. 897221, dated April 17, 2015
- Attachment M: Parole and Release Decision Sheet, dated April 17, 2015
- Attachment N: Decision and Reasons, dated May 11, 2015

Attachment O: Order of Release and Supervision Conditions, dated  
April 30, 2015

I declare under the penalty of perjury of the laws of the state of  
Washington that the foregoing is true and correct to the best of my  
knowledge.

EXECUTED this 28<sup>th</sup> day of October 2016, at Lacey, Washington.

  
ROBIN RILEY



# **ATTACHMENT A**

FILED  
SUPERIOR COURT  
THURSTON COUNTY, WASH.

05 JUN 20 AM 11:07

BETTY J. GOULD, CLERK

BY JS  
DEPUTY

**IN THE SUPERIOR COURT OF WASHINGTON  
IN AND FOR THURSTON COUNTY**

STATE OF WASHINGTON,

Plaintiff,

vs.

GREG STEVEN MARTINEZ

White; M: 601; 240; Brown; Black

DOB: [REDACTED] 86

SID: UNKNOWN FBI: UNKNOWN

BOOKING NO. C0131904

PCN: 766837271

Defendant.

NO. 05-1-01083-9

**INFORMATION**

JOHN C. SKINDER

Deputy Prosecuting Attorney

Co-Defendant

NONE

Comes now the Prosecuting Attorney in and for Thurston County, Washington, and charges the defendant with the following crime:

**COUNT I - RAPE OF A CHILD IN THE FIRST DEGREE, RCW 9A.44.073 - CLASS**

**A FELONY:**

In that the defendant, Greg Steven Martinez, in the State of Washington, on or about May 2, 2005 through May, 27, 2005, did have sexual intercourse with M.S.B. (DOB [REDACTED]) who was less than 12 years old, and was not married to the defendant, and the defendant was at least twenty-four months older than M.S.B.

**COUNT II - RAPE OF A CHILD IN THE FIRST DEGREE, RCW 9A.44.073 - CLASS**

**A FELONY:**

In that the defendant, Greg Steven Martinez, in the State of Washington, on or between April 19, 2003 through May 1, 2005, did have sexual intercourse with M.S.B. (DOB: [REDACTED]) who was less than 12 years old, and was not married to the defendant, and the defendant was at least twenty-four months older than M.S.B.

DATED this 20TH day of June 2005.

JOHN C. SKINDER, WSBA# 26224  
Deputy Prosecuting Attorney

INFORMATION

Edward G. Holm  
Thurston County Prosecuting Attorney  
2000 Lakemidge Drive S.W.  
Olympia, WA 98502  
360/754-5540 Fax 360/754-3158

ATTACHMENT A

FILED  
SUPERIOR COURT  
THURSTON COUNTY, WASH.

05 JUN 16 PM 1:19

RECEIVED  
CLERK  
BY  
DEPUTY

**SUPERIOR COURT OF WASHINGTON**  
**THURSTON COUNTY**

STATE OF WASHINGTON,

Plaintiff,

No. 05-J-01083-9

vs.

**DECLARATION OF PROSECUTOR  
SUPPORTING PROBABLE CAUSE**

GREG S. MARTINEZ,

Defendant

Deputy Prosecuting Attorney for Thurston County, declares the following in support of probable cause for charges in the above-entitled cause:

I am a Deputy Prosecuting Attorney for Thurston County, Washington. I believe that there is probable cause to believe that the above named defendant has committed the crime(s) of RAPE OF A CHILD IN THE FIRST DEGREE (2 counts) based on the following information from the official investigative reports:

On June 13, 2005, in Thurston County, Detective Shannon Barnes of the Lacey Police Department contacted Leala Barnes and her son MSB (dob [REDACTED]). Ms. Barnes had spoken with Officer Reinhold over the weekend regarding a sexual abuse disclosure her son had made to her. Ms. Barnes stated that her son told her that his uncle, Greg Steven Martinez, aka Greg Steven Tower, had put his mouth on MSB's penis. Det. Barnes spoke with MSB and talked to him about the difference between truth and a lie. MSB stated he knew the difference and talked to Det. Barnes about the incidents. MSB told Det. Barnes that the defendant had put his mouth on MSB's penis many times and that this began when he was six or seven and as recently as four weeks ago. The incidents occurred in Thurston County at the defendant's residence. MSB also stated that one time the defendant put his penis in MSB's butt. This happened when he was seven years old and in his Tumwater residence. The victim is less than twelve years old, not married to the defendant and the defendant is at least twenty-four months older than the victim.

Under penalty of perjury under the laws of the State of Washington, I certify that the foregoing is true and correct to the best of my knowledge.

Signed on June 16, 2005, in Olympia, Washington.

*Christen Anton Peters*  
CHRISTEN ANTON PETERS  
Deputy Prosecuting Attorney  
WSBA # 23559

**DECLARATION OF PROSECUTOR  
SUPPORTING PROBABLE CAUSE - 1**



EDWARD G. HOLM  
Thurston County Prosecuting Attorney  
2000 Lakeview Drive S.W.  
Olympia, WA 98502  
(360) 754-8500 FAX (360) 754-3308

SCA W R E D

# **ATTACHMENT B**

FILED  
SUPERIOR COURT  
SHERIDAN COUNTY, WASH.

06 AUG -8 AM 10:34

BETTY J. GOULD, CLERK

BY 7  
DEPUTY

**SUPERIOR COURT OF WASHINGTON  
FOR**

STATE OF WASHINGTON

Plaintiff

Greg vs. Martinez  
Defendant.

NO. 05-1-1083-9  
STATEMENT OF DEFENDANT ON  
PLEA OF GUILTY  
(STTDFG)

[Docket No. 3]

1. My true name is: Greg Martinez
2. My age is: 20
3. I went through the 12<sup>th</sup> grade.
4. I HAVE BEEN INFORMED AND FULLY UNDERSTAND THAT:
  - (a) I have the right to representation by a lawyer and that if I cannot afford to pay for a lawyer, one will be provided at no expense to me.
  - (b) I am charged with: Rape of Child 1<sup>st</sup>
5. I UNDERSTAND I HAVE THE FOLLOWING IMPORTANT RIGHTS, AND I GIVE THEM ALL UP BY PLEADING GUILTY:
  - (a) The elements are as set forth in the State's ( original ) information.
  - (a) The right to a speedy and public trial by an impartial jury in the county where the crime is alleged to have been committed;
  - (b) The right to remain silent before and during trial, and the right to refuse to testify against myself;
  - (c) The right at trial to hear and question the witnesses who testify against me;
  - (d) The right at trial to testify and to have witnesses testify for me. These witnesses can be made to appear at no expense to me;
  - (e) That I am presumed innocent unless the charge is proven beyond a reasonable doubt or I enter a plea of guilty;
  - (f) The right to appeal a finding of guilt after a trial.

STATEMENT ON PLEA OF GUILTY (STTDFG) - I  
CrR 4.2(g) (10/2003)

SCANNED

ATTACHMENT B

6. IN CONSIDERING THE CONSEQUENCES OF MY GUILTY PLEA, I UNDERSTAND THAT:

- (a) Each crime with which I am charged carries a maximum sentence, a fine, and a STANDARD SENTENCE RANGE as follows:

COUNT NO.	OFFENDER SCORE	STANDARD RANGE ACTUAL CONFINEMENT (not including enhancements)	PLUS Enhancements*	TOTAL ACTUAL CONFINEMENT (standard range including enhancements)	COMMUNITY CUSTODY RANGE (Only applicable for crimes committed on or after July 1, 2000. For crimes committed prior to July 1, 2000, see paragraph 4(f))	MAXIMUM TERM AND FINE
1.	0	93-123mos	-	93-123mos	<del>24-48mos</del>	1,172 20,000.00
		to life *		to life *	LIFE *	

\* (F) Firearm, (D) other deadly weapon, (V) VUCSA in protected zone, (VII) Veh. Hom, See RCW 46.61.520, (JP) Juvenile present

- \* RCW 9A.44A.712 APPLIES WHICH IMPOSES LIFE-TIME COMMUNITY CUSTODY AND THE MAXIMUM TERM OF LIFE IN PRISON
- (b) The standard sentence range is based on the crime charged and my criminal history. Criminal history includes prior convictions and juvenile adjudications or convictions, whether in this state, in federal court, or elsewhere.
- (c) The prosecuting attorney's statement of my criminal history has been filed with this statement. Unless I have attached a different statement, I stipulate and agree that the prosecuting attorney's statement is true, correct and complete, and that any federal or out of state convictions listed are properly classified under the laws of this state as a felony, that none of the convictions constitutes same criminal conduct, and I waive any and all challenges to that history. If I have attached my own statement, I assert that it is correct and complete. If I am convicted of any additional crimes between now and the time I am sentenced, I am obligated to tell the sentencing judge about those convictions.
- (d) If I am convicted of any new crimes before sentencing, or if any additional criminal history is discovered, both the standard sentence range and the prosecuting attorney's recommendation may increase. Even so, my plea of guilty to this charge is binding on me. I cannot change my mind if additional criminal history is discovered even though the standard sentencing range and the prosecuting attorney's recommendation increase or a mandatory sentence of life imprisonment without the possibility of parole is required by law.
- (e) In addition to sentencing me to confinement, the judge will order me to pay \$500.00 as a victim's compensation fund assessment. If this crime resulted in injury to any person or damage to or loss of property, the judge will order me to make restitution, unless extraordinary circumstances exist which make restitution inappropriate. The amount of restitution may be up to double my gain or double the victim's loss. The judge may also order that I pay a fine, court costs, attorney fees and the costs of incarceration.
- ~~(f) For crimes committed prior to July 1, 2000: In addition to sentencing me to confinement, the judge may order me to serve up to one year of community supervision if the total period of confinement ordered is not more than 12 months. If this crime is a drug offense,~~

STATEMENT ON PLEA OF GUILTY (STTDFG) - 2  
CrR 4.2(g) (10/2003)

SCANNED

assault in the second degree, assault of a child in the second degree, or any crime against a person in which a specific finding was made that I or an accomplice was armed with a deadly weapon, the judge will order me to serve at least one year of community placement. If this crime is a vehicular homicide, vehicular assault, or a serious violent offense, the judge will order me to serve at least two years of community placement. The actual period of community placement, community custody, or community supervision may be as long as my earned early release period. During the period of community placement, community custody, or community supervision, I will be under the supervision of the Department of Corrections, and I will have restrictions placed on my activities.

For crimes committed on or after July 1, 2000: In addition to sentencing me to confinement, the judge may order me to serve up to one year of community custody if the total period of confinement ordered is not more than 12 months. If the crime I have been convicted of falls into one of the offense types listed in the following chart, and I am sentenced to more than 12 months, the court will sentence me to community custody for the community custody range established for that offense type unless the judge finds substantial and compelling reasons not to do so. If the period of earned release awarded per RCW 9.94A.150 is longer, that will be the term of my community custody. If the crime I have been convicted of falls into more than one category of offense types listed in the following chart, then the community custody range will be based on the offense type that dictates the longest term of community custody. If the crime I have been convicted of is not listed in the following chart and I am sentenced to more than 12 months, then there will be no period of community custody.

OFFENSE TYPE	COMMUNITY CUSTODY RANGE
Serious Violent Offenses	24 to 48 months or up to the period of earned release, whichever is longer.
Violent Offenses	18 to 36 months or up to the period of earned release, whichever is longer.
Crimes Against Persons	9 to 18 months or up to the period of earned release, whichever is longer.
Offenses under Chapter 69.50 or 69.52 RCW	9 to 12 months or up to the period of earned release, whichever is longer.

During the period of community custody I will be under the supervision of the Department of Corrections, and I will have restrictions placed on my activities. My failure to comply with these conditions will render me ineligible for general assistance, RCW 74.04.005(6)(h), and may result in the Department of Corrections transferring me to a more restrictive confinement status or other sanctions.

(g) The prosecuting attorney will make the following recommendation to the judge: \_\_\_\_\_  
Reserved as to Count 1  
 \_\_\_\_\_  
 \_\_\_\_\_  
Count 2 Dismissed

STATEMENT ON PLEA OF GUILTY (STTDFG) - 3  
 CrR 4.2(g) (10/2003)

SCANNED

- (h) The judge does not have to follow anyone's recommendation as to sentence. The judge must impose a sentence within the standard range unless the judge finds substantial and compelling reasons not to do so. If the judge goes outside the standard range, either the state or I can appeal that sentence. If the sentence is within the standard range, no one can appeal the sentence.
- (i) If I am not a citizen of the United States, a plea of guilty to an offense punishable as a crime under state law is grounds for deportation, exclusion from admission to the United States, or denial of naturalization pursuant to the laws of the United States.
- (j) I understand that I may not possess, own, or have under my control any firearm unless my right to do so is restored by a court of record and that I must immediately surrender any concealed pistol license. RCW 9A.10.040.
- (k) Public assistance will be suspended during any period of imprisonment.

NOTIFICATION RELATING TO SPECIFIC CRIMES: IF ANY OF THE FOLLOWING PARAGRAPHS DO NOT APPLY, THEY SHOULD BE STRICKEN AND INITIALED BY THE DEFENDANT AND THE JUDGE.

- RCW 9A.4A.712 APPLIES WHICH IMPOSES LIFE-TIME COMMUNITY CUSTODY AND A MAXIMUM TERM OF LIFE IN PRISON
- [l] This offense is a most serious offense or "strike" as defined by RCW 9A.4A.030, and if I have at least two prior convictions for most serious offenses, whether in this state, in federal court, or elsewhere, the crime for which I am charged carries a mandatory sentence of life imprisonment without the possibility of parole.
  - [m] The judge may sentence me as a first-time offender instead of giving a sentence within the standard range if I qualify under RCW 9A.4A.030. This sentence could include as much as 90 days' confinement, and up to two years community supervision if the crime was committed prior to July 1, 2000, or up to two years of community custody if the crime was committed on or after July 1, 2000, plus all of the conditions described in paragraph (c). Additionally, the judge could require me to undergo treatment, to devote time to a specific occupation, and to pursue a prescribed course of study or occupational training.
  - [n] ~~If this crime involves a kidnapping offense involving a minor, I will be required to register where I reside, study or work. The specific registration requirements are set forth in Attachment "A."~~
  - [o] For all sentencings on or after July 1, 2002, that involve a felony, or stalking under RCW 9A.46.110, or harassment under RCW 9A.46.020, or communicating with a minor for immoral purposes under RCW 9.68A.090, I will be required to provide a biological sample for purposes of DNA identification analysis, and will be assessed a \$100 fee for this purpose.
  - [p] ~~If this is a crime of domestic violence, the court may order me to participate in a domestic violence perpetrator program approved under RCW 26.50.150.~~
  - [q] If this crime involves prostitution, or a drug offense associated with hypodermic needles, I will be required to undergo testing for the human immunodeficiency (AIDS) virus.

STATEMENT ON PLEA OF GUILTY (STDFG) - 4  
CrR 4.2(g) (10/2003)

SCANNED



- [r] The judge may sentence me under the special drug offender sentencing alternative (DOSA) if I qualify under former RCW 9.94A.120(6) (for offenses committed before July 1, 2001) or RCW 9.94A.660 (for offenses committed on or after July 1, 2001). This sentence could include a period of total confinement in a state facility for one-half of the midpoint of the standard range plus all of the conditions described in paragraph 6(e). During confinement, I will be required to undergo a comprehensive substance abuse assessment and to participate in treatment. The judge will also impose community custody of at least one-half of the midpoint of the standard range that must include appropriate substance abuse treatment, a condition not to use illegal controlled substances, and a requirement to submit to urinalysis or other testing to monitor that status. Additionally, the judge could prohibit me from using alcohol or controlled substances, require me to devote time to a specific employment or training, stay out of certain areas, pay thirty dollars per month to offset the cost of monitoring and require other conditions, including affirmative conditions.
- [s] If the judge finds that I have a chemical dependency that has contributed to the offense, the judge may order me to participate in rehabilitative programs or otherwise to perform affirmative conduct reasonably related to the circumstances of the crime for which I am pleading guilty.
- [t] If this crime involves the manufacture of methamphetamine, a mandatory clean-up fine of \$3,000.00 will be assessed. If this crime involves a felony violation of the Uniform Controlled Substances Act, then a mandatory \$1,000 drug enforcement fund penalty will be assessed, and shall be doubled if this is a subsequent controlled substances offense.
- [u] If this crime involves a violation of the state drug laws, my eligibility for state and federal food stamps, welfare, and education benefits will be affected. 20 U.S.C. § 1091(r) and 21 U.S.C. § 862a.
- [v] If this crime involves a motor vehicle, my driver's license or privilege to drive will be suspended or revoked. If I have a driver's license, I must now surrender it to the judge.
- [w] If this crime involves the offense of vehicular homicide while under the influence of intoxicating liquor or any drug, as defined by RCW 46.61.502, committed on or after January 1, 1999, an additional two years shall be added to the presumptive sentence for vehicular homicide for each prior offense as defined in RCW 46.61.5055(8).
- [x] The crime of \_\_\_\_\_ has a mandatory minimum sentence of at least \_\_\_\_\_ years of total confinement. The law does not allow any reduction of this sentence.
- [y] I am being sentenced for two or more serious violent offenses arising from separate and distinct criminal conduct and the sentences imposed on counts \_\_\_\_\_ and \_\_\_\_\_ will run consecutively unless the judge finds substantial and compelling reasons to do otherwise.
- [z] I understand that the offense(s) I am pleading guilty to include a deadly weapon or firearm enhancement. Deadly weapon or firearm enhancements are mandatory, they must be

STATEMENT ON PLEA OF GUILTY (STTDFG) - 5  
CrR 4.2(g) (10/2003)

SCANNED

~~served in total confinement, and they must run consecutively to any other sentence and to any other deadly weapon or firearm enhancements.~~

~~[aa] I understand that the offenses I am pleading guilty to include both a conviction under RCW 9A.1.040 for unlawful possession of a firearm in the first or second degree and one or more convictions for the felony crimes of theft of a firearm or possession of a stolen firearm. The sentences imposed for these crimes shall be served consecutively to each other. A consecutive sentence will also be imposed for each firearm unlawfully possessed.~~

~~[bb] I understand that if I am pleading guilty to the crime of unlawful practices in obtaining assistance as defined in RCW 74.08.331, no assistance payment shall be made for at least 6 months if this is my first conviction and for at least 12 months if this is my second or subsequent conviction. This suspension of benefits will apply even if I am not incarcerated. RCW 74.08.290.~~

7. I plead guilty to:

count

count

count

in the Original Information. I have received a copy of that information, discussed it with my attorney, and understand the nature of the charges to which I am pleading guilty.

8. I make this plea freely and voluntarily.

9. No one has threatened harm of any kind to me or to any other person to cause me to make this plea.

10. No person has made promises of any kind to cause me to enter this plea except as set forth in this statement.

11. The judge has asked me to state what I did in my own words that makes me guilty of this crime. This is my statement:

In May of 2005, I engaged in sexual intercourse with M.S.B. I was not married to him & I was 24 months older than him. This occurred in Thurston County. He was 90 years old at the time.

[ ] Instead of making a statement, I agree that the court may review the police reports and/or a statement of probable cause supplied by the prosecution to establish a factual basis for the plea.

[ ] I do not believe I am guilty. However, I wish to plead guilty in order to take advantage of the State's plea offer. I agree that the State could produce sufficient evidence at trial from which a reasonable jury would likely find me guilty beyond a reasonable doubt of the above charges.

STATEMENT ON PLEA OF GUILTY (STTDFG) - 6  
CrR 4.2(g) (10/2003)

SCANNED

12. My lawyer has explained to me, and we have fully discussed, all of the above paragraphs and Attachment "A," if applicable. I understand them all. I have been given a copy of this "Statement of Defendant on Plea of Guilty." I have no further questions to ask the judge.

x Greg Martinez  
Defendant

I have read and discussed this statement with the defendant and believe that the defendant is competent and fully understands the statement.

[Signature]  
Deputy Prosecuting Attorney, WSBA # 2611A

[Signature]  
Defendant's Lawyer, WSBA # 25282

#### COURT'S FINDINGS

The foregoing statement was signed by the defendant in open court in the presence of the defendant's lawyer and the undersigned judge. The defendant asserted that [check appropriate box]:

- ☐ (a) The defendant had previously read the entire statement above and that the defendant understood it in full;
- ☐ (b) The defendant's lawyer had previously read to him or her the entire statement above and that the defendant understood it in full; or
- ☐ (c) An interpreter had previously read to the defendant the entire statement above and that the defendant understood it in full. The Interpreter's Declaration is attached.

I find the defendant's plea of guilty to be knowingly, intelligently and voluntarily made. Defendant understands the charges and the consequences of the plea. There is a factual basis for the plea. The defendant is guilty as charged.

Dated: 8-8-06

[Signature]  
JUDGE  
GARY R. TAYLOR

#### INTERPRETER'S DECLARATION

I am a certified interpreter or have been found otherwise qualified by the court to interpret in the \_\_\_\_\_ language, which the defendant understands, and I have translated the statement of defendant on plea of guilty for the defendant from English into that language. The defendant has acknowledged his or her understanding of both the translation and the subject matter of this document. I certify under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Interpreter

Location: Olympia, Washington

STATEMENT ON PLEA OF GUILTY (STTDFG) - 7  
CrR 4.2(g) (10/2003)

SCANNED

# **ATTACHMENT C**



STATE OF WASHINGTON  
DEPARTMENT OF CORRECTIONS

PRE-SENTENCE INVESTIGATION  
IDENTIFICATION INFORMATION

REPORT TO: The Honorable Gary R. Tabor  
OFFENDER NAME: GREG STEVEN MARTINEZ  
TRUE NAME: GREG STEVEN MARTINEZ  
AKA(s): GREG STEVEN TOWER

SCHEDULED SENTENCING DATE: 09/12/06  
DATE OF REPORT: 09/07/06  
DOC #: 897221  
DOB: [REDACTED]


MAIDEN NAME: N/A  
COUNTY: THURSTON

PLACE OF BIRTH: PASADENA, CA  
CITIZENSHIP: U. S.

CAUSE NUMBER(S): 05-1-01083-9  
CRIME:  
COUNT I - RAPE OF A CHILD 1ST DEGREE  
RCW: 9A.44.073; RCW 9.94A.712  
DATE OF OFFENSE: 05/02/05  
CURRENT LOCATION: Thurston Co. Jail  
HOME ADDRESS: 5012 24<sup>TH</sup> AVE SE  
LACEY, WA 98503  
TELEPHONE NUMBER: [REDACTED]  
HEIGHT: 6'01"  
HAIR COLOR: BLACK

SSN: UNKNOWN  
INS NUMBER: N/A  
FBI NUMBER: UNKNOWN  
SID NUMBER: UNKNOWN  
SEX: ☒ Male ☐ Female  
RACE: WHITE  
HISPANIC ORIGIN: ☒ Yes ☐ No  
WEIGHT: 240  
EYE COLOR: BROWN  
SCARS, MARKS, TATTOOS:

INVESTIGATING OFFICER

  
JOHN JACKSON  
Community Corrections Officer II  
Department of Corrections  
3700 Martin Way, Suite 104  
Olympia, WA 98506  
Telephone (360) 459 - 6370

SCANNED



STATE OF WASHINGTON  
DEPARTMENT OF CORRECTIONS

PRE-SENTENCE INVESTIGATION

TO: The Honorable Gary R. Tabor  
Thurston County Superior Court  
NAME: Greg Steven Martinez  
ALIAS(ES): Greg Steven Tower  
CRIME(S): Count I - Rape Of A Child 1st Degree  
DATE OF OFFENSE: Counts I - 05/02/05

DATE OF REPORT: 09/07/06  
DOC NUMBER: 897221  
COUNTY: Thurston  
CAUSE #: 05-1-01083-9  
SENTENCING DATE: 09/12/06

CHOOSE ONE ADDRESS: Thurston Co. Jail

DEFENSE ATTORNEY: Samuel Meyer

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I. OFFICIAL VERSION OF OFFENSE:

The following information was taken closely from preliminary and supplementary reports submitted by Thurston County Sheriff's Detective Barnes.

According to the reports from the Thurston County Sheriff's Office, on June 13, 2005, Officer Reinhold approached Detective Barnes and advised her she had spoken with Leala Barnes over the weekend concerning a sexual abuse disclosure her son made. She said Barnes and her son, MB, would be at the police department in the afternoon to file a report.

Officer Reinhold told Detective Barnes that Leala Barnes stated her 19 year old stepbrother Greg (Martinez) Tower had molested her son. She told Officer Reinhold that on Thursday, June 9, 2005, Barnes and her son were in their car listening to the radio. Something came on referencing the Michael Jackson child molestation trial and MB asked his mother what child molestation was. Barnes explained to him that it was when someone touched a child inappropriately. She then asked him if that had ever happened to him. He told his mother that Tower had been putting his mouth on his penis.

Barnes told Officer Reinhold that she called her father who is Martinez' stepfather. Barnes stated Tad Tower confronted Martinez and he admitted to what MB had stated.

Detective Barnes contacted Barnes and MB. Detective Barnes went over the difference between the truth and a lie and MB was able to tell me what the difference was and that it was not right to lie. He promised to tell her the truth.

Detective Barnes started the tape and MB became hesitant. After stopping the tape, he told the detective that he was scared to talk to her because Martinez had threatened him and told him not to tell anyone. He decided it would be easier to talk if his mother was not in the room. Ms. Barnes left the room and Detective Barnes proceeded with the interview.

Detective Barnes asked MB what it was that his uncle had done to him. MB told the detective that Martinez stripped down his pants and covered his mouth. He had difficulty telling the detective what Martinez did, writing it down on paper, instead. When he finished, he turned the paper over and slid it back to the detective. On the paper, MB had written, "sucking on my penis".

Detective Barnes confirmed with MB what he had written and asked him when this happened. MB told the detective it had happened four weeks previous. He said his mother had to go to work so he had to go to his grandparent's house. Martinez lives in the home with them. He said he didn't want to go, but he didn't tell her why because he was scared.

MB stated that this has happened more than one time, but didn't know how many times it happened. He did state that it happened a lot. MB stated that this has been going on since he was about six or seven years old. He stated that the incidents such as he described occurred at the Tower's residence. MB stated that when in the Martinez residence, he mostly stays in Martinez' room with him.

Detective Barnes asked MB if Martinez had ever done anything else other than what he already described. He told her that one time Martinez put his penis in his "butt". He said this occurred when he was seven years old and they lived in Tumwater. He said his mother was home and he was downstairs eating lunch. Martinez was upstairs in his bedroom. He said Martinez had taken the sheets and blankets off the bed and made a fort. He said he went into his room and Martinez came from the closet. He said Martinez covered his mouth, got into the fort and put his penis in his "butt".

MB told her that Martinez would either buy/promise to buy him things or take him places. Sometimes Martinez would threaten MB that he would hurt him if he told.

Detective Barnes spoke with Ms. Barnes. Ms. Barnes stated that she spoke with her father and his wife, Nancy Tower, and asked that they confront Martinez about the allegations. She said that they spoke with Martinez and he admitted to abusing MB.

On June 14, 2005, after speaking with Detective Barnes, Nancy agreed to bring Martinez to the Lacey Police Department for an interview.

On Wednesday, June 15, 2005, Greg Martinez went to the Lacey Police Department. He was escorted to the Detective Division interview room. Detective Barnes sat down with him and

asked him if he knew why she wanted to talk to him. He told her that he did, but he wasn't going to talk to her unless his parents were allowed to be with him. She explained to him that he was 19 years old and that his parents could not be with him.

Detective Barnes read Martinez his constitutional rights and asked Martinez if he understood his rights. He said he did. She asked him to explain them to her. Martinez said that he didn't have to talk to her if he didn't want to and that he could have an attorney if he wanted one. She told him he was right.

Detective Barnes told Martinez that she wanted to discuss what happened with MB. He said that he wanted an attorney. She stopped talking with Martinez at that time.

Detective Barnes spoke with Tad and Nancy Tower. She explained to them that Martinez did not want to provide a statement. Tad Tower told her that he felt his stepson needed to have an attorney present. Detective Barnes told Tad that she was aware of a conversation he had with Martinez where he (Martinez) admitted to what MB said he had done. Tad told her that he wasn't going to talk with her without an attorney. Detective Barnes told him that Martinez would be booked for two counts of Rape of a Child 1<sup>st</sup>.

Nancy began crying and told Detective Barnes that her son was disabled. She said that he can't read or write. She felt he'd be harmed in jail. Detective Barnes told her that she would request he be placed in protective custody.

Martinez was transported and booked into the Thurston County Jail for two counts of Rape Of A Child and placed in protective custody.

Detective Barnes ran a check of Greg Tower/Martinez. She noted that he did not have any prior criminal history.

Based on the information above, the Thurston County Prosecuting Attorney's Office filed charges for two counts of Rape of a Child 1<sup>st</sup> Degree.

## **II. VICTIM CONCERNS:**

I contacted Leala Barnes on 09/06/06. She agreed to speak with me, stating that MB was not present at that time, but she would ask him if he wanted to speak with me the following day.

Ms. Barnes stated that she believes Mr. Martinez should go to "prison to pay for what he did" (to MB). She stated that MB has been seeing a counselor for about a year and that per the counselor, the abuse is constantly on MB's mind. She said MB has nightmares and that the counselor stated that MB is "suicidal without plans, general thoughts". She stated that MB was started on anti-depressants about one week ago. She does not feel that Special Sex Offender Sentencing Alternative sentence is sufficient to address her step-brother's crime.

I contacted Ms. Barnes again, the following day. She stated that MB did not want to speak with me because he didn't know me. However, she said that he told her that he



thinks Mr. Martinez needed to go to prison to pay for what he did and so that he can't hurt any more children.

**III. DEFENDANT'S STATEMENT REGARDING OFFENSE:**

On 09/05/06, I spoke with Greg Martinez at the Thurston County Jail. He appeared alert and in fit condition. He had not completed the Intake/Presentence Report Personal Information Sheet sent to him, so I completed it with him at the time of the interview. As we spoke, I did note a sense of slowness in his manner, a sense of immaturity. Nevertheless, he was able to answer most of the questions in a forthright, somewhat eager, manner. Mr. Martinez indicated that he was familiar with the official version of the crime. He confirmed that he had sexually abused MB, but said that MB was a willing participant. He also stated that while most of the report was correct, he did not sodomize MB, nor did he use any physical restraint (i.e. his hand over MB's mouth). He was adamant that no physical force was involved.

**IV. CRIMINAL HISTORY:**

Mr. Martinez has no criminal history noted prior to the instant offense.

**SOURCES:**

1. Court Documents in the Offender's file packet;
2. DISCIS;
3. Offender Self-report

<b><u>Juvenile Felony:</u></b>	
<b>Date of Offense:</b>	None
<b>Crime:</b>	
<b>County / Cause No.:</b>	
<b>Date of Sentence:</b>	
<b>Disposition:</b>	Score / Wash

<b><u>Adult Felony:</u></b>	
<b>Date of Offense:</b>	None
<b>Crime:</b>	
<b>County / Cause No.:</b>	
<b>Date of Sentence:</b>	
<b>Disposition:</b>	Score / Wash

<b><u>Misdemeanor(s):</u></b>	
<b>Date of Offense:</b>	None
<b>Crime:</b>	
<b>County / Cause No.:</b>	
<b>Date of Sentence:</b>	
<b>Disposition:</b>	Score / Wash

V. SCORING:		
SERIOUSNESS LEVEL	OFFENDER SCORE	STANDARD RANGE
Count I V	0	From 93 to 123 Months to Life *

VI. COMMUNITY CUSTODY (If applicable):		
SERIOUSNESS LEVEL	OFFENDER SCORE	STANDARD RANGE
Count I V	0	Life *

VII. COMMUNITY CUSTODY BOARD(If applicable):		
SERIOUSNESS LEVEL	OFFENDER SCORE	SENTENCE RANGE
Count I V	0	Min 93 months to Max Life *

\* RCW 9.94A.712 applies.

#### VIII. RISK / NEEDS ASSESSMENT:

A risk / needs assessment interview was completed with the offender. The following risk / needs area(s) and strengths have implications for potential risk, supervision, and interventions. Unless otherwise noted, the following information was provided by the offender and has not been verified.

##### Criminal History (Including RM Level Information):

Mr. Martinez has no prior felony or misdemeanor convictions identified in the document sources. However, based upon the nature of the instant offense and other risk factors, he does score out as a Risk Management level B (RMB) on the DOC Risk Management Identification assessment tool.

##### Education / Employment:

Mr. Martinez reported that he graduated from North Thurston High School in 2004. He reports that during his time in school, he had been suspended once for fighting. Mr. Martinez stated that he has held short-term jobs since graduation. Specifically, Costco Warehouse as a laborer (terminated for failing to follow safety rules) – summer, 2004; Wal-Mart as a janitor (no reason for termination given), 09/05 – 11/05; and two months at the Indian Summer Restaurant as a dishwasher (terminated due to current trial).

##### Financial:

Mr. Martinez reported that his mother and stepfather support him financially. He is not sure what his financial situation will be on release.

##### Family / Marital:

Mr. Martinez was not able to provide much information in this area. He did report that he is not married. Mr. Martinez reported that he lived with his stepfather, Tad Tower, and mother, Nancy Tower. He stated that he has one stepbrother, J.D. Tower, age 21, (address unknown); two stepsisters, Stevie Kay Tower, 19, (address unknown) and Leala Barnes, "30's", (address unknown); and a half-sister, Christy, (age and address unknown)

##### Accommodation:

Mr. Martinez reported that he lived with his stepfather, Tad Tower, and mother, Nancy Tower, at the time of his arrest. He anticipates returning to their home on release.

**Leisure / Recreation:**

Mr. Martinez reports that during the past year prior to incarceration, he has not participated in any pro-social activities or groups. He did not elaborate on his activities during his free time, however, file material indicates that much of his time was spent with family in the pursuit of outdoor activities. The material also indicates that Mr. Martinez also reported playing with Legos, video games and watching anime (cartoons) in his free time.

**Companions:**

Mr. Martinez reported only one friend by name. He did not elaborate any further. The extent of his companions/acquaintances is unknown.

**Alcohol / Drug Use:**

Mr. Martinez reports that he has consumed alcoholic beverages, since age 10 or 11. He reported his consumption to be less than one time per month. He reports that he has not consumed any other drugs illegally and does not have a substance abuse history.

**Emotional / Personal:**

Mr. Martinez reports no history of mental health treatment prior to the instant offense. However, he reports that he has problems with anger management.

**Attitude / Orientation:**

During the course of the interview, Mr. Martinez appeared to display a sense of remorse. However, given his continued instance of MB as a participant, rather than a victim, it is hard to determine the extent of his support of his behavior. It should be noted that file documents indicate that given Mr. Martinez' developmental disability and emotional immaturity ("his interests are more compatible with children around the age of 7-10"), he is "high-risk to re-offend".

**IX. CONCLUSIONS:**

According to the DOC Risk Level Assessment and Risk Management information, Mr. Martinez scores as a RMB Offender with a Risk score of 23. His classification as a RMB and the nature of his offense identifies him as a moderate to high-risk offender. On at least two occasions, Mr. Martinez had forced himself upon his victim and had sexually abused him, against his will. According to incident reports, Mr. Martinez used force on MB to have sex with him, using both his position of authority (as an adult) and threats of bodily harm to intimidate him.

**X. SENTENCE OPTIONS:**

- ☒ Confinement within the Standard Range Sentence
- ☐ Work Ethic Program
- ☐ Exceptional Sentence
- ☐ First-time Offender Waiver (FTOW)
- ☐ Drug Offender Sentencing Alternative (DOSa)

- ☒ Special Sex Offender Sentencing Alternative (SSOSA)  
☐ Mentally Ill Offender Sentencing Option (MIOSO)  
☒ Community Custody Board (CCB) RCW 9.94A.712

**XI. RECOMMENDATIONS:**

Based upon the seriousness of the offense (given the information available), Mr. Martinez' high risk to re-offend, and the risk such re-offense behavior poses to the community, SSOSA does not appear appropriate. Sentencing at the lower end of the standard range, however, does appear to be appropriate, given Mr. Martinez' developmental disability.

Therefore, the Department recommends, from the standard range of confinement, a period of 93 months for Count I, with Credit for time served; Community Custody Board supervision for Life. (RCW 9.94A.712 applies.)

Sentence Type / Option: Standard

Confinement: 93 months, Counts I

OAA Cases: Length of Community Custody: N/A

Community Custody Board: Life

Conversions: None.

Supervision Type & Duration: Life Community Custody

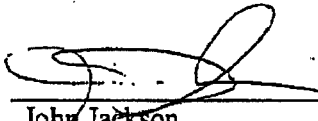
Conditions of Supervision: (See attached Appendix F – Community Supervision (DOC 09-130))


**XII. MONETARY OBLIGATIONS:**

<b>Restitution:</b> \$TBD	<b>Court Costs:</b> \$110.00	<b>Other:</b> \$100.00 (DNA)
<b>Crime Victim Penalty:</b> \$500.00	<b>Attorney Fees:</b> \$TBD	
<b>Drug Fund:</b> \$0.00	<b>Fine:</b> \$0.00	

Submitted By:

Approved By:

  
\_\_\_\_\_  
John Jackson  
Community Corrections Officer II  
3700 Martin Way East, Suite 104  
Olympia, WA 98504  
(360) 459-6370

9/11/06  
\_\_\_\_\_  
Date  
Date  
  
\_\_\_\_\_  
Community Corrections Officer III  
3700 Martin Way East, Suite 104  
Olympia, WA 98504  
(360) 459-6370

Distribution: ORIGINAL – Court COPY - Prosecuting Attorney, Defense Attorney, File, WCC / RC (Prison)

# **ATTACHMENT D**

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DEPT. OF CORRECTIONS  
OLYMPIA CENTRAL 376

SUPERIOR COURT OF WASHINGTON  
COUNTY OF THURSTON

STATE OF WASHINGTON, Plaintiff,

vs.

GREG STEVEN MARTINEZ, Defendant.

SID: WA22840263  
If no SID, use DOB:                       
PCN: 766837271 BOOKING NO. C0131904

No. 05-1-01083-9

FELONY JUDGMENT AND SENTENCE (FJS)  
☐ Prison ☒ RCW 9.94A.712                       
☐ Jail One Year or Less ☐ RCW 9.94A.712 Prison  
Confinement  
☐ First-Time Offender  
☒ Special Sexual Offender Sentencing Alternative  
☐ Special Drug Offender Sentencing Alternative  
☐ Clerk's Action Required, para 4.5 (SDOSA), 4.15.2,  
5.3, 5.6 and 5.8

897221

I. HEARING

1.1 A sentencing hearing was held on September 27, 2006 and the defendant, the defendant's lawyer and the (deputy) prosecuting attorney were present.

II. FINDINGS

There being no reason why judgment should not be pronounced, the court FINDS:

2.1 CURRENT OFFENSE(S): The defendant was found guilty on August 8, 2006.  
by ☒ plea ☐ jury-verdict ☐ bench trial of:

(Date)

COUNT	CRIME	RCW	DATE OF CRIME
I	RAPE OF A CHILD IN THE FIRST DEGREE	9A.44.073	May 2, 2005 to May 27, 2005

(If the crime is a drug offense, include the type of drug in the second column.)  
as charged in the (ORIGINAL) Information.

☐ Additional current offenses are attached in Appendix 2.1.

☐ A special verdict/finding that the offense was predatory was returned on Count(s)                     , RCW 9.94A.                     

☐ A special verdict/finding that the victim was under 15 years of age at the time of the offense was returned on Count(s)                     , RCW 9.94A.                     .

☐ A special verdict/finding that the victim was developmentally disabled, mentally disordered, or a frail elder or vulnerable adult at the time of the offense was returned on Count(s)                     , RCW 9.94A.                     , 9A.44.010.

FELONY JUDGMENT AND SENTENCE (FJS)  
(RCW 9.94A.500, .505)(WPF CR 84.0400 (6/2005))  
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05-1-01083-9

06-9-11726-6

Page 1

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ATTACHMENT D

- ☐ A special verdict/finding of sexual motivation was returned on Count(s) \_\_\_\_\_ RCW 9.94A.835.
- ☐ This case involves kidnapping in the first degree, kidnapping in the second degree, or unlawful imprisonment as defined in chapter 9A.40 RCW, where the victim is a minor and the offender is not the minor's parent. RCW 9A.44.130.
- ☐ The court finds that the defendant is subject to sentencing under RCW 9.94A.712.
- ☐ A special verdict/finding for use of firearm was returned on Count(s) \_\_\_\_\_. RCW 9.94A.602, 9.94A.533.
- ☐ A special verdict/finding for use of deadly weapon other than a firearm was returned on Count(s) \_\_\_\_\_. RCW 9.94A.602, 9.94A.533.
- ☐ A special verdict/finding for Violation of the Uniform Controlled Substances Act was returned on Count(s) \_\_\_\_\_, RCW 69.50.401 and RCW 69.50.435, taking place in a school, school bus, within 1000 feet of the perimeter of a school grounds or within 1000 feet of a school bus route stop designated by the school district; or in a public park, public transit vehicle, or public transit stop shelter; or in, or within 1000 feet of the perimeter of a civic center designated as a drug-free zone by a local government authority, or in a public housing project designated by a local governing authority as a drug-free zone.
- ☐ A special verdict/finding that the defendant committed a crime involving the manufacture of methamphetamine, including its salts, isomers, and salts of isomers, when a juvenile was present in or upon the premises of manufacture was returned on Count(s) \_\_\_\_\_. RCW 9.94A.605, RCW 69.50.401, RCW 69.50.440.
- ☐ The defendant was convicted of vehicular homicide which was proximately caused by a person driving a vehicle while under the influence of intoxicating liquor or drug or by the operation of a vehicle in a reckless manner and is therefore a violent offense. RCW 9.94A.030.
- ☐ This case involves kidnapping in the first degree, kidnapping in the second degree, or unlawful imprisonment as defined in chapter 9A.40 RCW, where the victim is a minor and the offender is not the minor's parent. RCW 9A.44.130.
- ☐ The court finds that the offender has a chemical dependency that has contributed to the offense(s). RCW 9.94A.607.
- ☐ The crime charged in Count(s) \_\_\_\_\_ involve(s) domestic violence.
- ☐ Current offenses encompassing the same criminal conduct and counting as one crime in determining the offender score are (RCW 9.94A.589):
- ☐ Other current convictions listed under different cause numbers used in calculating the offender score are (list offense and cause number):

## 2.2 CRIMINAL HISTORY (RCW 9.94A.525):

CRIME	DATE OF SENTENCE	SENTENCING COURT (County & State)	DATE OF CRIME	A or J Adult, Juv.	TYPE OF CRIME
1 NONE KNOWN					
2					
3					
4					
5					

- ☐ Additional criminal history is attached in Appendix 2.2.
- ☐ The defendant committed a current offense while on community placement (adds one point to score). RCW 9.94A.525.
- ☐ The court finds that the following prior convictions are one offense for purposes of determining the offender score (RCW 9.94A.525):
- ☐ The following prior convictions are not counted as points but as enhancements pursuant to RCW 46.61.520:

2.3 SENTENCING DATA:

COUNT NO.	OFFENDER SCORE	SERIOUSNESS LEVEL	STANDARD RANGE (not including enhancements)	PLUS ENHANCEMENTS *	TOTAL STANDARD RANGE (including enhancements)	MAXIMUM TERM
±	0	XII	93-123 Mo.s TO LIFE	—	93-123 Mo.s TO LIFE	LIFE

\* (F) Firearm, (D) Other deadly weapons, (V) VUCSA in a protected zone, (VH) Veh. Hom, see RCW 46.61.520, (JP) Juvenile present. (SM) Sexual motivation, RCW 9.94A.533(8).

☐ Additional current offense sentencing data is attached in Appendix 2.3.

2.4 ☐ EXCEPTIONAL SENTENCE. Substantial and compelling reasons exist which justify an exceptional sentence:

☐ within ☐ below the standard range for Count(s) \_\_\_\_\_.

☐ above the standard range for Count(s) \_\_\_\_\_.

☐ The defendant and state stipulate that justice is best served by imposition of the exceptional sentence above the standard range and the court finds the exceptional sentence furthers and is consistent with the interests of justice and the purposes of the sentencing reform act.

☐ Aggravating factors were ☐ stipulated by the defendant, ☐ found by the court after the defendant waived jury trial, ☐ found by jury by special interrogatory.

Findings of fact and conclusions of law are attached in Appendix 2.4. ☐ Jury's special interrogatory is attached. The Prosecuting Attorney ☐ did ☐ did not recommend a similar sentence.

2.5 ABILITY TO PAY LEGAL FINANCIAL OBLIGATIONS. The court has considered the total amount owing, the defendant's past, present and future ability to pay legal financial obligations, including the defendant's financial resources and the likelihood that the defendant's status will change. The court finds that the defendant has the ability or likely future ability to pay the legal financial obligations imposed herein. RCW 9.94A.753.

☐ The following extraordinary circumstances exist that make restitution inappropriate (RCW 9.94A.753):

2.6 For violent offenses, most serious offenses, or armed offenders recommended sentencing agreements or plea agreements are ☐ attached ☐ as follows: \_\_\_\_\_.

III. JUDGMENT

3.1 The defendant is GUILTY of the Counts and Charges listed in Paragraph 2.1 and Appendix 2.1.

3.2 ☒ The court DISMISSES Counts II ☐ The defendant is found NOT GUILTY of Counts



#### IV. SENTENCE AND ORDER

IT IS ORDERED:

4.1 Defendant shall pay to the Clerk of this Court:

JASS CODE

RTN/RJN

\$RESERVED Restitution to: VICTIM, M.S.B.

\$ Restitution to: \_\_\_\_\_

\$ Restitution to: \_\_\_\_\_

(Name and Address--address may be withheld and provided confidentially to Clerk of the Court's office.)

PCV

\$ 500- Victim assessment RCW 7.68.035

\$ Domestic Violence assessment RCW 10.99.080

CRC

\$ 200- Court costs, including RCW 9.94A.760, 9.94A.505, 10.01.160, 10.46.190

Criminal filing fee \$ 200- FRC

Witness costs \$ WFR

Sheriff service fees \$ SFR/SFS/SFW/WRF

Jury demand fee \$ JFR

Extradition costs \$ EXT

Other \$

PUB

\$ Fees for court appointed attorney RCW 9.94A.760

WFR

\$ Court appointed defense expert and other defense costs RCW 9.94A.760

FCM/MTH

\$ Fine RCW 9A.20.021; [ ] VUCSA chapter 69.50 RCW, [ ] VUCSA additional fine deferred due to indigency RCW 69.50.430

CDF/LDI/FCD  
NTF/SAD/SDI

\$ Drug enforcement fund of \_\_\_\_\_ RCW 9.94A.760

CLF

\$ Crime lab fee [ ] suspended due to indigency RCW 43.43.690

RTN/RJN

\$ 100- Felony DNA collection fee [ ] not imposed due to hardship RCW 43.43.7541

\$ Emergency response costs (Vehicular Assault, Vehicular Homicide only, \$1000 maximum) RCW 38.52.430

\$ Other costs for: \_\_\_\_\_

\$ 800- TOTAL RCW 9.94A.760

[ ] The above total does not include all restitution or other legal financial obligations, which may be set by later order of the court. An agreed restitution order may be entered. RCW 9.94A.753. A restitution hearing:

[ ] shall be set by the prosecutor.

[ ] is scheduled for \_\_\_\_\_

[ ] RESTITUTION. Schedule attached.

[ ] Restitution ordered above shall be paid jointly and severally with:

RJN

NAME of other defendant CAUSE NUMBER (Victim's name) (Amount-\$)

☐ The Department of Corrections (DOC) or clerk of the court shall immediately issue a Notice of Payroll Deduction. RCW 9.94A.7602, RCW 9.94A.760(8).

☐ All payments shall be made in accordance with the policies of the clerk of the court and on a schedule established by DOC or the clerk of the court, commencing immediately, unless the court specifically sets forth the rate here: Not less than \$ \_\_\_\_\_ per month commencing \_\_\_\_\_. RCW 9.94A.760.

The defendant shall report as directed by the clerk of the court and provide financial information as requested. RCW 9.94A.760(7)(b).

☐ In addition to the other costs imposed herein, the court finds that the defendant has the means to pay for the cost of incarceration and is ordered to pay such costs at the rate of \$50.00 per day, unless another rate is specified here: \_\_\_\_\_. (JLR) RCW 9.94A.760.

The financial obligations imposed in this judgment shall bear interest from the date of the judgment until payment in full, at the rate applicable to civil judgments. RCW 10.82.090. An award of costs on appeal against the defendant may be added to the total legal financial obligations. RCW 10.73.160.

4.2 DNA TESTING. The defendant shall have a biological sample collected for purposes of DNA identification analysis and the defendant shall fully cooperate in the testing. The appropriate agency shall be responsible for obtaining the sample prior to the defendant's release from confinement. RCW 43.43.754.

☒ HIV TESTING. The defendant shall submit to HIV testing. RCW 70.24.340.

4.3 The defendant shall not have contact with M.S.B. (DOB: 4-11-96) (name, DOB) including, but not limited to, personal, verbal, telephonic, written or contact through a third party for LIFE ~~years~~ (not to exceed the maximum statutory sentence).

☒ Domestic Violence No-Contact Order, Antiharassment No-Contact Order, or Sexual Assault Protection Order is filed with this Judgment and Sentence.

☐ The defendant is ordered to reimburse \_\_\_\_\_ (name of electronic monitoring agency) at \_\_\_\_\_, for the cost of pretrial electronic monitoring, in the amount of \$ \_\_\_\_\_.

4.4 OTHER: ALL CONDITIONS OF APPENDIX "H" ARE INCORPORATED HEREIN BY REFERENCE.

REQUIRE AS A SEX OFFENDER, SEE 5.7  
FOR LIFE

4.5 SPECIAL SEX OFFENDER SENTENCING ALTERNATIVE. RCW 9.94A.670. The court finds that the defendant is a sex offender who is eligible for the special sentencing alternative and the court has determined that the special sex offender sentencing alternative is appropriate. The defendant is sentenced to a term of confinement as follows:

(a) CONFINEMENT. RCW 9.94A.589. Defendant is sentenced to the following term of total confinement in the custody of the county jail or Department of Corrections (DOC):

SEE

4.5(b) months on Count \_\_\_\_\_ months on Count \_\_\_\_\_  
\_\_\_\_\_ months on Count \_\_\_\_\_ months on Count \_\_\_\_\_  
\_\_\_\_\_ months on Count \_\_\_\_\_ months on Count \_\_\_\_\_

Actual number of months of total confinement ordered is: 93 MONTHS TO LIFE IMPRISONMENT.

All counts shall be served concurrently, except for the following which shall be served consecutively:

The sentence herein shall run consecutively with the sentence in cause number(s) \_\_\_\_\_

but concurrently to any other felony cause not referred to in this Judgment. RCW 9.94A.589.

Confinement shall commence immediately unless otherwise set forth here: \_\_\_\_\_

(b) CONFINEMENT. RCW 9.94A.712: The defendant is sentenced to the following term of confinement in the custody of the DOC:

Count I minimum term 93 MONTHS maximum term LIFE  
Count \_\_\_\_\_ minimum term \_\_\_\_\_ maximum term \_\_\_\_\_

(c) The defendant shall receive credit for time served prior to sentencing if that confinement was solely under this cause number. RCW 9.94A.505. The time served shall be computed by the jail unless the credit for time served prior to sentencing is specifically set forth by the court: \_\_\_\_\_

(d) SUSPENSION OF SENTENCE. The execution of this sentence is suspended; and the defendant is placed on community custody under the charge of DOC for the length of the suspended sentence, the length of the maximum term sentenced under RCW 9.94A.712, or three years, whichever is greater, and shall comply with all rules, regulations and requirements of DOC and shall perform affirmative acts necessary to monitor compliance with the orders of the court as required by DOC. Community custody for offenses not sentenced under RCW 9.94A.712 may be extended for up to the statutory maximum term of the sentence. Violation of community custody may result in additional confinement. The defendant shall report as directed to a community corrections officer, pay all legal financial obligations, perform any court ordered community restitution (service) work, submit to electronic monitoring if imposed by DOC, and be subject to the following terms and conditions or other conditions that may be imposed by the court or DOC during community custody:

Undergo and successfully complete an ☒ outpatient ☐ inpatient sex offender treatment program with COMTE AND ASSOCIATES for a period of 60 MONTHS.

Defendant shall not change sex offender treatment providers or treatment conditions without first notifying the prosecutor, community corrections officer and the court and shall not change providers without court approval after a hearing if the prosecutor or community corrections officer object to the change.

☒ Serve SIX (6) MONTHS months of total confinement. Work Crew and Electronic Home Detention are not authorized. RCW 9.94A.725, .734.

☒ Obtain and maintain employment: \_\_\_\_\_

☐ Work release is authorized, if eligible and approved. RCW 9.94A.731.

☐ Defendant shall perform \_\_\_\_\_ hours of community restitution (service) as approved by defendant's community corrections officer to be completed:

☐ as follows: \_\_\_\_\_

☐ on a schedule established by the defendant's community corrections officer. RCW 9.94A.

☒ Defendant shall not reside in a community protection zone (within 880 feet of the facilities and grounds of a public or private school). (RCW 9.94A.030(8)).

Other conditions: SEE 4.4 AND APPENDIX "H";

NO COMPUTER ACCESS, REGISTERED AS A  
SEX OFFENDER FOR LIFE.

The conditions of community custody shall begin immediately unless otherwise set forth here: \_\_\_\_\_

- 4.6 **REVOCATION OF SUSPENDED SENTENCE.** The court may revoke the suspended sentence at any time during the period of community custody and order execution of the sentence, with credit for any confinement served during the period of community custody, if the defendant violates the conditions of the suspended sentence or the court finds that the defendant is failing to make satisfactory progress in treatment. RCW 9.94A.670.
- 4.7 **TERMINATION HEARING.** A treatment termination hearing is scheduled for \_\_\_\_\_ [date] (three months prior to anticipated date for completion of treatment). RCW 9.94A.670.

#### V. NOTICES AND SIGNATURES

- 5.1 **COLLATERAL ATTACK ON JUDGMENT.** Any petition or motion for collateral attack on this Judgment and Sentence, including but not limited to any personal restraint petition, state habeas corpus petition, motion to vacate judgment, motion to withdraw guilty plea, motion for new trial or motion to arrest judgment, must be filed within one year of the final judgment in this matter, except as provided for in RCW 10.73.100. RCW 10.73.090.
- 5.2 **LENGTH OF SUPERVISION.** For an offense committed prior to July 1, 2000, the defendant shall remain under the court's jurisdiction and the supervision of the Department of Corrections for a period up to 10 years from the date of sentence or release from confinement, whichever is longer, to assure payment of all legal financial obligations unless the court extends the criminal judgment an additional 10 years. For an offense committed on or after July 1, 2000, the court shall retain jurisdiction over the offender, for the purpose of the offender's compliance with payment of the legal financial obligations, until the obligation is completely satisfied, regardless of the statutory maximum for the crime. RCW 9.94A.760 and RCW 9.94A.505(5). The clerk of the court is authorized to collect unpaid legal financial obligations at any time the offender remains under the jurisdiction of the court for purposes of his or her legal financial obligations. RCW 9.94A.760(4) and RCW 9.94A.753(4).
- 5.3 **NOTICE OF INCOME-WITHHOLDING ACTION.** If the court has not ordered an immediate notice of payroll deduction in Section 4.1, you are notified that the Department of Corrections or the clerk of the court may issue a notice of payroll deduction without notice to you if you are more than 30 days past due in monthly payments in an amount equal to or greater than the amount payable for one month. RCW 9.94A.7602. Other income-withholding action under RCW 9.94A.760 may be taken without further notice. RCW 9.94A.7606.
- 5.4 **RESTITUTION HEARING.**  
[ ] Defendant waives any right to be present at any restitution hearing (sign initials): \_\_\_\_\_
- 5.5 Any violation of this Judgment and Sentence is punishable by up to 60 days of confinement per violation. RCW 9.94A.634.
- 5.6 **FIREARMS.** You must immediately surrender any concealed pistol license and you may not own, use or possess any firearm unless your right to do so is restored by a court of record. (The clerk of the court shall forward a copy of the defendant's driver's license, identicard, or comparable identification to the Department of Licensing along with the date of conviction or commitment.) RCW 9.41.040, 9.41.047.

Cross off if not applicable:

**5.7 SEX AND KIDNAPPING OFFENDER REGISTRATION.** RCW 9A.44.130, 10.01.200.

1. General Applicability and Requirements: Because this crime involves a sex offense or kidnapping offense involving a minor as defined in RCW 9A.44.130, you are required to register with the sheriff of the county of the state of Washington where you reside.  
If you are not a resident of Washington but you are a student in Washington or you are employed in Washington or you carry on a vocation in Washington, you must register with the sheriff of the county of your school, place of employment, or vocation. You must register immediately upon being sentenced unless you are in custody,

in which case you must register within 24 hours of your release.

2. **Offenders Who Leave the State and Return:** If you leave the state following your sentencing or release from custody but later move back to Washington, you must register within three business days after moving to this state or within 24 hours after doing so if you are under the jurisdiction of this state's Department of Corrections. If you leave this state following your sentencing or release from custody but later while not a resident of Washington you become employed in Washington, carry on a vocation in Washington, or attend school in Washington, you must register within three business days after starting school in this state or becoming employed or carrying out a vocation in this state, or within 24 hours after doing so if you are under the jurisdiction of this state's Department of Corrections.

3. **Change of Residence Within State and Leaving the State:** If you change your residence within a county, you must send signed written notice of your change of residence to the sheriff within 72 hours of moving. If you change your residence to a new county within this state, you must send signed written notice of your change of residence to the sheriff of your new county of residence at least 14 days before moving, register with that sheriff within 24 hours of moving. You must also give signed written notice of your change of address to the sheriff of the county where last registered within 10 days of moving.

4. **Additional Requirements Upon Moving to Another State:** If you move out of Washington State, you must also send written notice within 10 days of moving to the county sheriff with whom you last registered in Washington State.

5. **Notification Requirement When Enrolling in or Employed by a Public or Private Institution of Higher Education or Common School (K-12):** If you are a resident of Washington and you are admitted to a public or private institution of higher education, you are required to notify the sheriff of the county of your residence of your intent to attend the institution within 10 days of enrolling or by the first business day after arriving at the institution, whichever is earlier. If you become employed at a public or private institution of higher education, you are required to notify the sheriff for the county of your residence of your employment by the institution within 10 days of accepting employment or by the first business day after beginning to work at the institution, whichever is earlier. If your enrollment or employment at a public or private institution of higher education is terminated, you are required to notify the sheriff for the county of your residence of your termination of enrollment or employment within 10 days of such termination. (Effective September 1, 2006) If you attend, or plan to attend, a public or private school regulated under Title 28A RCW or chapter 72.40 RCW, you are required to notify the sheriff of the county of your residence of your intent to attend the school. You must notify the sheriff within 10 days of enrolling or 10 days prior to arriving at the school to attend classes, whichever is earlier. If you are enrolled on September 1, 2006, you must notify the sheriff immediately. The sheriff shall promptly notify the principal of the school.

6. **Registration by a Person Who Does Not Have a Fixed Residence:** Even if you do not have a fixed residence, you are required to register. Registration must occur within 24 hours of release in the county where you are being supervised if you do not have a residence at the time of your release from custody. Within 48 hours excluding weekends and holidays after losing your residence, you must send signed written notice to the sheriff of the county where you last registered. If you enter a different county and stay there for more than 24 hours, you will be required to register in the new county. You must also report weekly in person to the sheriff of the county where you are registered. The weekly report shall be on a day specified by the county sheriff's office, and shall occur during normal business hours. You may be required to provide a list the locations where you have stayed during the last seven days. The lack of a fixed residence is a factor that may be considered in determining an offender's risk level and shall make the offender subject to disclosure of information to the public at large pursuant to RCW 4.24.550.

If you move to another state, or if you work, carry on a vocation, or attend school in another state you must register a new address, fingerprints, and photograph with the new state within 10 days after establishing residence, or after beginning to work, carry on a vocation, or attend school in the new state. You must also send written notice within 10 days of moving to the new state or to a foreign country to the county sheriff with whom you last registered in Washington State.

7. **Reporting Requirements for Persons Who Are Risk Level II or III:** If you have a fixed residence and you are designated as a risk level II or III, you must report, in person, every 90 days to the sheriff of the county where you are registered. Reporting shall be on a day specified by the county sheriff's office, and shall occur during normal business-hours. If you comply with the 90-day reporting requirement with no violations for at least five years in the community, you may petition the superior court to be relieved of the duty to report every 90 days.

8. Application for a Name Change: If you apply for a name change, you must submit a copy of the application to the county sheriff of the county of your residence and to the state patrol not fewer than five days before the entry of an order granting the name change. If you receive an order changing your name, you must submit a copy of the order to the county sheriff of the county of your residence and to the state patrol within five days of the entry of the order. RCW 9A.44.130(7).

- 5.8 ☐ The court finds that Count \_\_\_\_\_ is a felony in the commission of which a motor vehicle was used. The clerk of the court is directed to immediately forward an Abstract of Court Record to the Department of Licensing, which must revoke the defendant's driver's license. RCW 46.20.285.
- 5.9 If the defendant is or becomes subject to court-ordered mental health or chemical dependency treatment, the defendant must notify DOC and the defendant's treatment information must be shared with DOC for the duration of the defendant's incarceration and supervision. RCW 9.94A.562.
- 5.10 OTHER: Bail previously posted, if any, is hereby exonerated and shall be returned to the posting party

DONE in Open Court and in the presence of the defendant this date: SEPTEMBER 27, 2006

Judge/Print name:

John C. Skinder  
Deputy Prosecuting Attorney

WSBA No. 26224

Print name: JOHN C. SKINDER

Samuel G. Meyer  
Attorney for Defendant

WSBA No. 25282

Print name: SAMUEL G. MEYER

Greg Martinez  
Defendant

Print name: GREG STEVEN  
MARTINEZ

**VOTING RIGHTS STATEMENT:** RCW 10.64.140. I acknowledge that my right to vote has been lost due to felony conviction. If I am registered to vote, my voter registration will be cancelled. My right to vote may be restored by: a) A certificate of discharge issued by the sentencing court, RCW 9.94A.637; b) A court order issued by the sentencing court restoring the right, RCW 9.92.066; c) A final order of discharge issued by the indeterminate sentence review board, RCW 9.96.050; or d) A certificate of restoration issued by the governor, RCW 9.96.020. Voting before the right is restored is a class C felony, RCW 92A.84.660.

Defendant's signature: Greg Martinez

I am a certified interpreter of, or the court has found me otherwise qualified to interpret, the \_\_\_\_\_ language, which the defendant understands. I translated this Judgment and Sentence for the defendant into that language.  
Interpreter signature/Print name: \_\_\_\_\_

I, \_\_\_\_\_, Clerk of this Court, certify that the foregoing is a full, true and correct copy of the Judgment and Sentence in the above-entitled action now on record in this office.

Clerk of the Court of said county and state, by: \_\_\_\_\_, Deputy Clerk

**SID No. WA22840263**

Date of Birth [REDACTED]

FBI No. 359099JC5

Local ID No. \_\_\_\_\_

PCN No. 766837271

Other \_\_\_\_\_

Alias name, DOB: \_\_\_\_\_

**Race:**

☐ Asian/Pacific  
Islander

☐ Black/African-American

☒ Caucasian

**Ethnicity:**

☒ Hispanic

**Sex:**

☒ Male

☐ Native American

☐ Other: \_\_\_\_\_

☐ Non-Hispanic

**[ ] Female**

**FINGERPRINTS:** I attest that I saw the same defendant who appeared in court on this document affix his or her fingerprints and signature thereto. Clerk of the Court, Deputy Clerk, STY TRINITY Dated: 09-27-2006

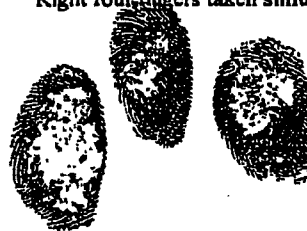
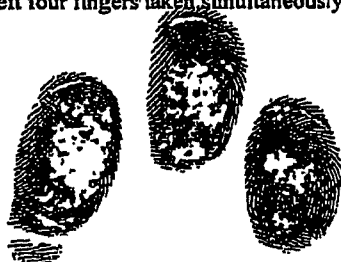
DEFENDANTS SIGNATURE: Greg martinez

Left four fingers taken simultaneously

### Left Thumb

### Right Thumb

### Right four fingers taken simultaneously



IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
IN AND FOR THE COUNTY OF THURSTON

STATE OF WASHINGTON	]	Cause No.: 05-1-01083-9
	]	
Plaintiff	]	JUDGEMENT AND SENTENCE (FELONY)
v.	]	APPENDIX H
Greg Steven Martinez	]	COMMUNITY PLACEMENT / CUSTODY
Defendant	]	
	]	
DOC No. 897221	]	

The court having found the defendant guilty of offense(s) qualifying for community placement, it is further ordered as set forth below.

**COMMUNITY PLACEMENT/CUSTODY:** Defendant additionally is sentenced on convictions herein, for the offenses under RCW 9.94A.712 committed on or after September 1, 2001 to include up to life community custody; for each sex offense and serious violent offense committed on or after June 6, 1996 to community placement/custody for three years or up to the period of earned early release awarded pursuant to RCW 9.94A.150 (1) and (2) whichever is longer; and on conviction herein for an offense categorized as a sex offense or serious violent offense committed on or after July 1, 1990, but before June 6, 1996, to community placement for two years or up to the period of earned release awarded pursuant to RCW 9.94A.150 (1) and (2) whichever is longer; and on conviction herein for an offense categorized as a sex offense or a serious violent offense committed after July 1, 1988, but before July 1, 1990, assault in the second degree, any crime against a person where it is determined in accordance with RCW 9.94A.125 that the defendant or an accomplice was armed with a deadly weapon at the time of commission, or any felony under chapter 69.50 or 69.52 RCW, committed on or after July 1, 1988, to a one-year term of community placement.

05-1-01083-9  
Greg Steven Martinez 897221  
Page 1 of 3

DOC 09-131 (F&P Rev. 06/18/04) OCO

APPENDIX H - FELONY COMMUNITY PLACEMENT

S C A N N E D




Community placement/custody is to begin either upon completion of the term of confinement or at such time as the defendant is transferred to community custody in lieu of early release.

**(a) MANDATORY CONDITIONS:** Defendant shall comply with the following conditions during the term of community placement/custody:

- (1) Report to and be available for contact with the assigned Community Corrections Officer as directed;
- (2) Work at Department of Corrections' approved education, employment, and/or community service;
- (3) Not consume controlled substances except pursuant to lawfully issued prescriptions;
- (4) While in community custody not unlawfully possess controlled substances;
- (5) Pay supervision fees as determined by the Department of Corrections;
- (6) Receive prior approval for living arrangements and residence location;
- (7) Defendant shall not own, use, or possess a firearm or ammunition when sentenced to community service, community supervision, or both (RCW 9.94A, 120 (13));
- (8) Notify community corrections officer of any change in address or employment; and
- (9) Remain within geographic boundary, as set fourth in writing by the Community Corrections Officer.

**WAIVER:** The following above-listed mandatory conditions are waived by the Court:

**(b) OTHER CONDITIONS:** Defendant shall comply with the following other conditions during the term of community placement / custody:

- 1) No contact with the victim and his immediate family for ~~ten years~~; **LIFE** 
- 2) Obey all laws;
- 3) Obey all rules of the Department of Corrections;
- 4) No contact w/minors unless supervised by a responsible adult who is aware of your offense and has been approved in advance by your CCO and therapist;
- 5) Do not enter into a relationship with any person who has minors in their care or custody without approval of your CCO and therapist;
- 6) Hold no position of authority or trust involving minors or participate in any youth programs;
- 7) Sexual Deviancy Treatment as directed by your CCO and comply with all rules of treatment;
- 8) Not possess or peruse any sexually explicit material as defined by your CCO and therapist;
- 9) Stay out of business establishments offering sexually explicit material or entertainment;
- 10) Not frequent or loiter in areas where children congregate;
- 11) Do not access the Internet or make use of any computer modem;
- 12) Living conditions and residence location to be approved in advance by CCO;

05-1-01083-9

Greg Steven Martinez 897221

Page 2 of 3

- 13) No possession or consumption of controlled substances unless by lawful prescription;
- 14) Submit to random urinalysis and/or breathalyzer;
- 15) Notify your employer of your conviction and rules of supervision and treatment;
- 16) Mandatory HIV test;
- 17) Mandatory DNA test;
- 18) Mandatory Sex Offender Registration;
- 19) Submit to polygraph/plethysmograph testing as required by your therapist/CCO to monitor compliance with sentence;
- 20) Abide by any other conditions imposed by the Court and your CCO.

DATE

JUDGE, THURSTON COUNTY SUPERIOR COURT

05-1-01083-9

Greg Steven Martinez 897221

Page 3 of 3

# **ATTACHMENT E**

FILED  
SUPERIOR COURT  
THURSTON COUNTY, WASH.

06 SEP 29 AM 11:11

BETTY J. GOULD, CLERK

BY 3  
DEPUTY

**IN THE SUPERIOR COURT OF WASHINGTON  
IN AND FOR THURSTON COUNTY**

NO. 05-1-01083-9

STATE OF WASHINGTON,

Plaintiff,

vs.

GREG MARTINEZ,  
(DOB: [REDACTED])

Defendant.

**FINDINGS OF FACT  
AND CONCLUSIONS OF LAW**

RE: Granting of SSOSA Option over objection  
Per RCW 9.94A.670(4)

THIS MATTER having come before the above-entitled Court for sentencing on one count of Rape of a Child in the First Degree on the 27<sup>th</sup> day of September, 2006. Present before the Court were the above-named Defendant, Deputy Prosecuting Attorney in and for the County of Thurston, State of Washington, John C. Skinder, the victim and his family, and Sam Meyer, attorney for Defendant. The Court, having considered the testimony of Susan Batson, State-Certified Sex Offender Treatment Provider, the testimony of Brian Cobb, State-Certified Sex Offender Treatment Provider, the briefs of counsel, defense exhibits, the Psychosexual Evaluation and Treatment Plan dated February 2, 2006, three letters from Comte's & Associates, the Pre-Sentence Investigation, the statements of the victim and his mother, the statement of the defendant, and the arguments of counsel now hereby enters the following:

FINDINGS OF FACT AND  
CONCLUSIONS OF LAW

SCANNED

EDWARD G. HOLM  
Thurston County Prosecuting Attorney  
2000 Lakeridge Drive S.W.  
Olympia, WA 98502  
(360) 709-3230 Fax (360) 709-3242

ATTACHMENT E

1  
2 FINDINGS OF FACT


- 3 1. On August 8, 2006, the defendant pleaded guilty to one count of rape of a child in the first  
4 degree.  
5 2. The Court held a sentencing hearing on September 27, 2006.  
6 3. The State was opposed to the SSOSA option.  
7 4. The Defense requested that the Court grant the SSOSA option  
8 5. The court heard and gave consideration to the testimony of Susan Batson, State-Certified Sex  
9 Offender Treatment Provider and her evaluation that the defendant was a "marginal candidate"  
10 for the SSOSA option.  
11 6. The court heard and gave consideration to the testimony of Brian Cobb, State-Certified Sex  
12 Offender Treatment Provider who declined to provide treatment to the defendant based on his risk  
13 to re-offend and concerns regarding amenability to treatment; the Court also heard that Mr. Cobb  
14 made a referral to Comte's & Associates as he knew they have a group for young men, similar to  
15 the defendant, who suffer from developmental delays.  
16 7. The Court considered and gave consideration to three letters from Comte's & Associates that their  
17 agency would treat the defendant in a structured treatment model, such as the SSOSA option, in  
18 their specialized group for young men with developmental delays.  
19 8. The Court heard and gave consideration to the wishes of the victim that he wanted the defendant,  
20 his uncle, to not receive the SSOSA option and receive a long term of incarceration instead.  
21 9. The Court heard and gave consideration to the wishes of the victim's mother who wanted the  
22 defendant, her step-brother, to be punished with a long prison sentence but also wanted to see him  
23 get help for his sexual deviancy.  
24 10. The Court read and gave consideration to the Department of Corrections Pre-Sentence  
25 Investigation which opposed the SSOSA option.  
26 11. The Court found that the defendant suffered from developmental delays.  
12. The Court found that the defendant had not previously received treatment for his sexual deviancy.  
13. The Court found that the polygraph examinations were effective for monitoring this defendant.  
14. The court found that the defendant would attempt to please his treatment provider.  
15. Based on all of the above, the court would provide him the opportunity of the SSOSA option.

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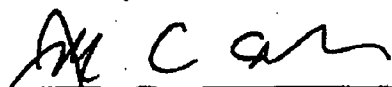
CONCLUSIONS OF LAW

1. The Court imposed a sentence of 93 months to Life imprisonment under RCW 9.94A.712.
2. The Court granted the SSOSA option under the conditions as set forth in the Judgment and Sentence.

DATED this 28<sup>th</sup> day of SEPTEMBER 2006.

  
THE HONORABLE GARY TABOR

Presented by:



John C. Skinder, WSBA #26224  
Deputy Prosecuting Attorney

Approved for Entry:



Samuel Meyer, WSBA# 25782  
Attorney for Respondent

FINDINGS OF FACT AND  
CONCLUSIONS OF LAW

SCANNED

EDWARD G. HOLM  
Thurston County Prosecuting Attorney  
2000 Lakeridge Drive S.W.  
Olympia, WA 98502  
(360) 709-3230 Fax (360) 709-3242

# **ATTACHMENT F**

'09 SEP 21

SUPERIOR COURT OF WASHINGTON  
COUNTY OF THURSTON

STATE OF WASHINGTON, Plaintiff,

vs.

GREG STEVEN MARTINEZ,  
Defendant.

SID: WA22840263  
If no SID, use DOB: [REDACTED]  
PCN: 766837271 BOOKING NO. C0131904

No. 05-1-01083-9

*1st Amendment*  
**FELONY JUDGMENT AND SENTENCE (FJS)**

- ☒ Prison ☒ RCW 9.94A.712 Prison Confinement  
☐ Jail One Year or Less ☒ RCW 9.94A.712 Prison Confinement  
☐ First-Time Offender  
☐ Special Sexual Offender Sentencing Alternative  
☐ Special Drug Offender Sentencing Alternative  
☐ Clerk's Action Required, para 4.5 (SDOSA), 4.15.2, 5.3, 5.6 and 5.8

**I. HEARING**

- 1.1 A sentencing hearing was held on September 27, 2006 wherein defendant was granted a Sepecial Sexual Offender Sentencing Alternative (SSOSA). Defendant's SSOSA is hereby revoked. *based on violation hearing on 9-21-09.*

**II. FINDINGS**

There being no reason why judgment should not be pronounced, the court FINDS:

- 2.1 CURRENT OFFENSE(S): The defendant was found guilty on September 21, 2009  
by ☒ plea ☐ jury-verdict ☐ bench trial of:

COUNT	CRIME	RCW	DATE OF CRIME
I	RAPE OF A CHILD IN THE FIRST DEGREE	9A.44.073	MAY 2, 2005 to May 27, 2005

(If the crime is a drug offense, include the type of drug in the second column.)  
as charged in the (ORIGINAL) Information.

- ☐ Additional current offenses are attached in Appendix 2.1.  
☐ A special verdict/finding that the offense was predatory was returned on Count(s) \_\_\_\_\_. RCW 9.94A.\_\_\_\_\_.  
☐ A special verdict/finding that the victim was under 15 years of age at the time of the offense was returned on Count(s) \_\_\_\_\_. RCW 9.94A.\_\_\_\_\_.  
☐ A special verdict/finding that the victim was developmentally disabled, mentally disordered, or a frail elder or vulnerable adult at the time of the offense was returned on Count(s) \_\_\_\_\_. RCW 9.94A.\_\_\_\_\_, 9A.44.010.  
☐ A special verdict/finding of sexual motivation was returned on Count(s) \_\_\_\_\_ RCW 9.94A.835.  
☐ This case involves kidnapping in the first degree, kidnapping in the second degree, or unlawful imprisonment as defined in chapter 9A.40 RCW, where the victim is a minor and the offender is not the minor's parent. RCW 9A.44.130.  
☐ The court finds that the defendant is subject to sentencing under RCW 9.94A.712.

ATTACHMENT F

FELONY JUDGMENT AND SENTENCE (FJS)  
(RCW 9.94A.500, .505)(WPE CR 84.0400 (6/2005))



- ☐ A special verdict/finding for use of **firearm** was returned on Count(s) \_\_\_\_\_. RCW 9.94A.602, 9.94A.533.
- ☐ A special verdict/finding for use of **deadly weapon other than a firearm** was returned on Count(s) \_\_\_\_\_. RCW 9.94A.602, 9.94A.533.
- ☐ A special verdict/finding for **Violation of the Uniform Controlled Substances Act** was returned on Count(s) \_\_\_\_\_, RCW 69.50.401 and RCW 69.50.435, taking place in a school, school bus, within 1000 feet of the perimeter of a school grounds or within 1000 feet of a school bus route stop designated by the school district; or in a public park, public transit vehicle, or public transit stop shelter; or in, or within 1000 feet of the perimeter of a civic center designated as a drug-free zone by a local government authority, or in a public housing project designated by a local governing authority as a drug-free zone.
- ☐ A special verdict/finding that the defendant committed a crime involving the manufacture of methamphetamine, including its salts, isomers, and salts of isomers, when a juvenile was present in or upon the premises of manufacture was returned on Count(s) \_\_\_\_\_. RCW 9.94A.605, RCW 69.50.401, RCW 69.50.440.
- ☐ The defendant was convicted of **vehicular homicide** which was proximately caused by a person driving a vehicle while under the influence of intoxicating liquor or drug or by the operation of a vehicle in a reckless manner and is therefore a violent offense. RCW 9.94A.030.
- ☐ This case involves **kidnapping** in the first degree, kidnapping in the second degree, or unlawful imprisonment as defined in chapter 9A.40 RCW, where the victim is a minor and the offender is not the minor's parent. RCW 9A.44.130.
- ☐ The court finds that the offender has a **chemical dependency** that has contributed to the offense(s). RCW 9.94A.607.
- ☐ The crime charged in Count(s) \_\_\_\_\_ involve(s) **domestic violence**.
- ☐ Current offenses encompassing the same criminal conduct and counting as one crime in determining the offender score are (RCW 9.94A.589):
- ☒ None of the current offenses constitute same criminal conduct.
- ☐ Other current convictions listed under different cause numbers used in calculating the offender score are (list offense and cause number):

## 2.2 CRIMINAL HISTORY (RCW 9.94A.525):

CRIME	DATE OF SENTENCE	SENTENCING COURT (County & State)	DATE OF CRIME	A or J Adult, Juv.	TYPE OF CRIME
1 NONE KNOWN					
2					
3					
4					
5					

- ☐ Additional criminal history is attached in Appendix 2.2.
- ☐ The defendant committed a current offense while on community placement (adds one point to score). RCW 9.94A.525.
- ☐ The court finds that the following prior convictions are one offense for purposes of determining the offender score (RCW 9.94A.525):
- ☒ None of the prior convictions constitutes same criminal conduct.
- ☐ The following prior convictions are not counted as points but as enhancements pursuant to RCW 46.61.520:

### 2.3 SENTENCING DATA:

COUNT NO.	OFFENDER SCORE	SERIOUS-NESS LEVEL	STANDARD RANGE (not including enhancements)	PLUS ENHANCEMENTS*	TOTAL STANDARD RANGE (including enhancements)	MAXIMUM TERM
I	0	XII	93-123 mos To Life	---	93-123 mos To Life	LIFE

\* (F) Firearm, (D) Other deadly weapons, (V) VUCSA in a protected zone, (VH) Veh. Hom, see RCW 46.61.520, (JP) Juvenile present. (SM) Sexual motivation, RCW 9.94A.533(8).

☐ Additional current offense sentencing data is attached in Appendix 2.3.

### 2.4 ☐ EXCEPTIONAL SENTENCE. Substantial and compelling reasons exist which justify an exceptional sentence:

☐ within ☐ below the standard range for Count(s) \_\_\_\_\_.

☐ above the standard range for Count(s) \_\_\_\_\_.

☐ The defendant and state stipulate that justice is best served by imposition of the exceptional sentence above the standard range and the court finds the exceptional sentence furthers and is consistent with the interests of justice and the purposes of the sentencing reform act.

☐ Aggravating factors were ☐ stipulated by the defendant, ☐ found by the court after the defendant waived jury trial, ☐ found by jury by special interrogatory.

Findings of fact and conclusions of law are attached in Appendix 2.4. ☐ Jury's special interrogatory is attached. The Prosecuting Attorney ☐ did ☐ did not recommend a similar sentence.

### 2.5 ABILITY TO PAY LEGAL FINANCIAL OBLIGATIONS. The court has considered the total amount owing, the defendant's past, present and future ability to pay legal financial obligations, including the defendant's financial resources and the likelihood that the defendant's status will change. The court finds that the defendant has the ability or likely future ability to pay the legal financial obligations imposed herein. RCW 9.94A.753.

☐ The following extraordinary circumstances exist that make restitution inappropriate (RCW 9.94A.753):

### 2.6 For violent offenses, most serious offenses, or armed offenders recommended sentencing agreements or plea agreements are ☐ attached ☐ as follows: \_\_\_\_\_

## III. JUDGMENT

3.1 The defendant is GUILTY of the Counts and Charges listed in Paragraph 2.1 and Appendix 2.1.

3.2 ☒ The court DISMISSES Count II ☐ The defendant is found NOT GUILTY of Counts

## IV. SENTENCE AND ORDER

IT IS ORDERED:

4.1 Defendant shall pay to the Clerk of this Court:

JASS CODE

\$ RESERVED Restitution to: VICTIM - M.S.B.

RTN/RJN

\$ \_\_\_\_\_ Restitution to: \_\_\_\_\_

FELONY JUDGMENT AND SENTENCE (FJS)  
(RCW 9.94A.500, .505)(WPF CR 84.0400 (6/2005))

\$ \_\_\_\_\_ Restitution to: \_\_\_\_\_  
(Name and Address--address may be withheld and provided  
confidentially to Clerk of the Court's office.)

*PCV* \$ 500.00 Victim assessment RCW 7.68.035  
\$ \_\_\_\_\_ Domestic Violence assessment RCW 10.99.080

*CRC* \$ 200.00 Court costs, including RCW 9.94A.760, 9.94A.505, 10.01.160, 10.46.190

Criminal filing fee \$ 200 FRC  
Witness costs \$ \_\_\_\_\_ WFR  
Sheriff service fees \$ \_\_\_\_\_ SFR/SFS/SFW/WRF  
Jury demand fee \$ \_\_\_\_\_ JFR  
Extradition costs \$ \_\_\_\_\_ EXT  
Other \$ \_\_\_\_\_

*PUB* \$ \_\_\_\_\_ Fees for court appointed attorney RCW 9.94A.760

*WFR* \$ \_\_\_\_\_ Court appointed defense expert and other defense costs RCW 9.94A.760

*FCM/MTH* \$ \_\_\_\_\_ Fine RCW 9A.20.021; [ ] VUCSA chapter 69.50 RCW, [ ] VUCSA additional fine  
deferred due to indigency RCW 69.50.430

*CDF/LDI/PCD* \$ \_\_\_\_\_ Drug enforcement fund of \_\_\_\_\_ RCW 9.94A.760  
*NTF/SAD/SDI*

*CLF* \$ \_\_\_\_\_ Crime lab fee [ ] suspended due to indigency RCW 43.43.690

\$ 100.00 Felony DNA collection fee [ ] not imposed due to hardship RCW 43.43.7541  
*RTN/RJN* \$ \_\_\_\_\_ Emergency response costs (Vehicular Assault, Vehicular Homicide only, \$1000  
maximum) RCW 38.52.430

\$ \_\_\_\_\_ Other costs for: \_\_\_\_\_  
\$ 800.00 TOTAL RCW 9.94A.760

[X] The above total does not include all restitution or other legal financial obligations, which may be set by later  
order of the court. An agreed restitution order may be entered. RCW 9.94A.753. A restitution hearing:

[X] shall be set by the prosecutor.

[ ] is scheduled for \_\_\_\_\_

[ ] RESTITUTION. Schedule attached.

[ ] Restitution ordered above shall be paid jointly and severally with:

NAME of other defendant CAUSE NUMBER (Victim's name) (Amount-\$)

*RJN* \_\_\_\_\_

[X] The Department of Corrections (DOC) or clerk of the court shall immediately issue a Notice of Payroll Deduction.  
RCW 9.94A.7602, RCW 9.94A.760(8).

[X] All payments shall be made in accordance with the policies of the clerk of the court and on a schedule established  
by DOC or the clerk of the court, commencing immediately, unless the court specifically sets forth the rate here:  
Not less than \$ \_\_\_\_\_ per month commencing \_\_\_\_\_ RCW 9.94A.760.

The defendant shall report as directed by the clerk of the court and provide financial information as requested. RCW 9.94A.760(7)(b).

☐ In addition to the other costs imposed herein, the court finds that the defendant has the means to pay for the cost of incarceration and is ordered to pay such costs at the rate of \$50.00 per day, unless another rate is specified here: \_\_\_\_\_ (JLR) RCW 9.94A.760.

The financial obligations imposed in this judgment shall bear interest from the date of the judgment until payment in full, at the rate applicable to civil judgments. RCW 10.82.090. An award of costs on appeal against the defendant may be added to the total legal financial obligations. RCW 10.73.160.

4.2 DNA TESTING. The defendant shall have a biological sample collected for purposes of DNA identification analysis and the defendant shall fully cooperate in the testing. The appropriate agency shall be responsible for obtaining the sample prior to the defendant's release from confinement. RCW 43.43.754.

☒ HIV TESTING. The defendant shall submit to HIV testing. RCW 70.24.340.

4.3 The defendant shall not have contact with **M.S.B. (DOB: [REDACTED])** including, but not limited to, personal, verbal, telephonic, written or contact through a third party for **LIFE** (not to exceed the maximum statutory sentence).

☒ Domestic Violence No-Contact Order, Antiharassment No-Contact Order, or Sexual Assault Protection Order is filed with this Judgment and Sentence, **ENTERED 9-17-06.**

☐ The defendant is ordered to reimburse \_\_\_\_\_ (name of electronic monitoring agency) at \_\_\_\_\_, for the cost of pretrial electronic monitoring, in the amount of \$\_\_\_\_\_.

4.4 OTHER: ALL CONDITIONS OF APPENDIX "H" ARE INCORPORATED HEREIN BY REFERENCE.  
REGISTER AS A SEX OFFENDER FOR LIFE - SEE 5.7

4.5 CONFINEMENT OVER ONE YEAR. The defendant is sentenced as follows:

(a) CONFINEMENT. RCW 9.94A.589. Defendant is sentenced to the following term of total confinement in the custody of the Department of Corrections (DOC):

SEE 4.5(b) _____ months on Count _____	_____ months on Count _____
_____ months on Count _____	_____ months on Count _____
_____ months on Count _____	_____ months on Count _____

Actual number of months of total confinement ordered is: 93 MONTH TO LIFE IMPRISONMENT.  
(Add mandatory firearm, deadly weapons, and sexual motivation enhancement time to run consecutively to other counts, see Section 2.3, Sentencing Data, above.)

☐ The confinement time on Count(s) \_\_\_\_\_ contain(s) a mandatory minimum term of \_\_\_\_\_.

**NON-FELONY COUNTS:**

Sentence on counts \_\_\_\_\_ is/are suspended for \_\_\_\_\_ months on the condition that the defendant comply with all requirements outlined in the supervision section of this sentence.

\_\_\_\_\_ days of jail are suspended on Count \_\_\_\_\_  
\_\_\_\_\_ days of jail are suspended on Count \_\_\_\_\_

All counts shall be served concurrently, except for the portion of those counts for which there is a special finding of a firearm, other deadly weapon, or sexual motivation, UVCSA in a protected zone, or manufacture of methamphetamine with juvenile present as set forth above at Section 2.3, and except for the following counts which shall be served consecutively: \_\_\_\_\_

The sentence herein shall run consecutively with the sentence in cause number(s) \_\_\_\_\_

but concurrently to any other felony cause not referred to in this Judgment. RCW 9.94A.589.

Confinement shall commence immediately unless otherwise set forth here: \_\_\_\_\_

- (b) CONFINEMENT. RCW 9.94A.712 (Sex Offenses only): The defendant is sentenced to the following term of confinement in the custody of the DOC:

Count I minimum term 93 months maximum term LIFE  
Count \_\_\_\_\_ minimum term \_\_\_\_\_ maximum term \_\_\_\_\_

- (c) The defendant shall receive credit for time served prior to sentencing if that confinement was solely under this cause number. RCW 9.94A.505. The time served shall be computed by the jail unless the credit for time served prior to sentencing is specifically set forth by the court: 835 Days.

- 4.6 ☐ COMMUNITY PLACEMENT is ordered as follows: Count \_\_\_\_\_ for \_\_\_\_\_ months;  
Count \_\_\_\_\_ for \_\_\_\_\_ months; Count \_\_\_\_\_ for \_\_\_\_\_ months.

☒ COMMUNITY CUSTODY for count(s) \_\_\_\_\_, sentenced under RCW 9.94A.712, is ordered for any period of time the defendant is released from total confinement before the expiration of the maximum sentence.

- ☐ COMMUNITY CUSTODY is ordered as follows:

Count \_\_\_\_\_ for a range from \_\_\_\_\_ to \_\_\_\_\_ months;  
Count \_\_\_\_\_ for a range from \_\_\_\_\_ to \_\_\_\_\_ months;  
Count \_\_\_\_\_ for a range from \_\_\_\_\_ to \_\_\_\_\_ months;

or for the period of earned release awarded pursuant to RCW 9.94A.728(1) and (2), whichever is longer, and standard mandatory conditions are ordered. [See RCW 9.94A.700 and .705 for community placement offenses, which include serious violent offenses, second degree assault, any crime against a person with a deadly weapon finding and chapter 69.50 or 69.52 RCW offenses not sentenced under RCW 9.94A.660 committed before July 1, 2000. See RCW 9.94A.715 for community custody range offenses, which include sex offenses not sentenced under RCW 9.94A.712 and violent offenses committed on or after July 1, 2000. Use paragraph 4.7 to impose community custody following work ethic camp.] STATUTORY LIMIT ON SENTENCE. Notwithstanding the length of confinement plus any community custody imposed on any individual charge, in no event will the combined confinement and community custody exceed the statutory maximum for that charge. Those maximums are: Class A felony--life in prison; Class B felony--ten (10) years in prison; Class C felony--5 (5) years in prison.

On or after July 1, 2003, DOC shall supervise the defendant if DOC classifies the defendant in the A or B risk categories; or, DOC classifies the defendant in the C or D risk categories and at least one of the following apply:

a) the defendant committed a current or prior:		
i) Sex offense	ii) Violent offense	iii) Crime against a person (RCW 9.94A.411)
iv) Domestic violence offense (RCW 10.99.020)		v) Residential burglary offense
vi) Offense for manufacture, delivery or possession with intent to deliver methamphetamine including its salts, isomers, and salts of isomers,		

- |  |
|--|
| vii) Offense for delivery of a controlled substance to a minor; or attempt, solicitation or conspiracy (vi, vii) |
| b) the conditions of community placement or community custody include chemical dependency treatment.             |
| c) the defendant is subject to supervision under the interstate compact agreement, RCW 9.94A.745.                |

While on community placement or community custody, the defendant shall: (1) report to and be available for contact with the assigned community corrections officer as directed; (2) work at DOC-approved education, employment and/or community restitution (service); (3) notify DOC of any change in defendant's address or employment; (4) not consume controlled substances except pursuant to lawfully issued prescriptions; (5) not unlawfully possess controlled substances while in community custody; (6) pay supervision fees as determined by DOC; and (7) perform affirmative acts necessary to monitor compliance with the orders of the court as required by DOC; and (8) for sex offenses, submit to electronic monitoring if imposed by DOC. The residence location and living arrangements are subject to the prior approval of DOC while in community placement or community custody. Community custody for sex offenders not sentenced under RCW 9.94A.712 may be extended for up to the statutory maximum term of the sentence. Violation of community custody imposed for a sex offense may result in additional confinement.

☒ The defendant shall not consume any alcohol.

☒ Defendant shall have no contact with: VICIM, OR ANY MINOR

☐ Defendant shall remain ☐ within ☐ outside of a specified geographical boundary, to wit: \_\_\_\_\_

☒ Defendant shall not reside in a community protection zone (within 880 feet of the facilities or grounds of a public or private school). (RCW 9.94A.030(8)).

☒ The defendant shall participate in the following crime-related treatment or counseling services: \_\_\_\_\_

SEXUAL DEVIANCY TREATMENT

☒ The defendant shall undergo an evaluation for treatment for ☐ domestic violence ☐ substance abuse ☐ mental health ☐ anger management and fully comply with all recommended treatment.

☒ The defendant shall comply with the following crime-related prohibitions: \_\_\_\_\_

4.4 AND APPENDIX "H"

☒ Other conditions:

4.4 AND APPENDIX "H"

☐ For sentences imposed under RCW 9.94A.712, other conditions, including electronic monitoring, may be imposed during community custody by the Indeterminate Sentence Review Board, or in an emergency by DOC. Emergency conditions imposed by DOC shall not remain in effect longer than seven working days.

4.7 ☐ **WORK ETHIC CAMP.** RCW 9.94A.690, RCW 72.09.410. The court finds that the defendant is eligible and is likely to qualify for work ethic camp and the court recommends that the defendant serve the sentence at a work ethic camp. Upon completion of work ethic camp, the defendant shall be released on community custody for any remaining time of total confinement, subject to the conditions below. Violation of the conditions of community custody may result in a return to total confinement for the balance of the defendant's remaining time of total confinement. The conditions of community custody are stated above in Section 4.6.

4.8 **OFF LIMITS ORDER** (known drug trafficker) RCW 10.66.020. The following areas are off limits to the defendant while under the supervision of the county jail or Department of Corrections: \_\_\_\_\_

## V. NOTICES AND SIGNATURES

5.1 **COLLATERAL ATTACK ON JUDGMENT.** Any petition or motion for collateral attack on this Judgment and Sentence, including but not limited to any personal restraint petition, state habeas corpus petition, motion to vacate judgment, motion to withdraw guilty plea, motion for new trial or motion to arrest judgment, must be filed within one year of the final judgment in this matter, except as provided for in RCW 10.73.100. RCW 10.73.090.

5.2 **LENGTH OF SUPERVISION.** For an offense committed prior to July 1, 2000, the defendant shall remain under the court's jurisdiction and the supervision of the Department of Corrections for a period up to 10 years from the date of sentence or release from confinement, whichever is longer, to assure payment of all legal financial obligations unless the court extends the criminal judgment an additional 10 years. For an offense committed on or after July 1,

2000, the court shall retain jurisdiction over the offender, for the purpose of the offender's compliance with payment of the legal financial obligations, until the obligation is completely satisfied, regardless of the statutory maximum for the crime. RCW 9.94A.760 and RCW 9.94A.505(5). The clerk of the court is authorized to collect unpaid legal financial obligations at any time the offender remains under the jurisdiction of the court for purposes of his or her legal financial obligations. RCW 9.94A.760(4) and RCW 9.94A.753(4).

- 5.3 **NOTICE OF INCOME-WITHHOLDING ACTION.** If the court has not ordered an immediate notice of payroll deduction in Section 4.1, you are notified that the Department of Corrections or the clerk of the court may issue a notice of payroll deduction without notice to you if you are more than 30 days past due in monthly payments in an amount equal to or greater than the amount payable for one month. RCW 9.94A.7602. Other income-withholding action under RCW 9.94A.760 may be taken without further notice. RCW 9.94A.7606.
- 5.4 **RESTITUTION HEARING.**  
[ ] Defendant waives any right to be present at any restitution hearing (sign initials): \_\_\_\_\_.
- 5.5 Any violation of this Judgment and Sentence is punishable by up to 60 days of confinement per violation. RCW 9.94A.634.
- 5.6 **FIREARMS.** You must immediately surrender any concealed pistol license and you may not own, use or possess any firearm unless your right to do so is restored by a court of record. (The clerk of the court shall forward a copy of the defendant's driver's license, identicard, or comparable identification to the Department of Licensing along with the date of conviction or commitment.) RCW 9.41.040, 9.41.047.

**Cross off if not applicable:**

**5.7 SEX AND KIDNAPPING OFFENDER REGISTRATION.** RCW 9A.44.130, 10.01.200.

1. General Applicability and Requirements: Because this crime involves a sex offense or kidnapping offense involving a minor as defined in RCW 9A.44.130, you are required to register with the sheriff of the county of the state of Washington where you reside.

If you are not a resident of Washington but you are a student in Washington or you are employed in Washington or you carry on a vocation in Washington, you must register with the sheriff of the county of your school, place of employment, or vocation. You must register immediately upon being sentenced unless you are in custody, in which case you must register within 24 hours of your release.

2. Offenders Who Leave the State and Return: If you leave the state following your sentencing or release from custody but later move back to Washington, you must register within three business days after moving to this state or within 24 hours after doing so if you are under the jurisdiction of this state's Department of Corrections. If you leave this state following your sentencing or release from custody but later while not a resident of Washington you become employed in Washington, carry on a vocation in Washington, or attend school in Washington, you must register within three business days after starting school in this state or becoming employed or carrying out a vocation in this state, or within 24 hours after doing so if you are under the jurisdiction of this state's Department of Corrections.

3. Change of Residence Within State and Leaving the State: If you change your residence within a county, you must send signed written notice of your change of residence to the sheriff within 72 hours of moving. If you change your residence to a new county within this state, you must send signed written notice of your change of residence to the sheriff of your new county of residence at least 14 days before moving, register with that sheriff within 24 hours of moving. You must also give signed written notice of your change of address to the sheriff of the county where last registered within 10 days of moving.

4. Additional Requirements Upon Moving to Another State: If you move out of Washington State, you must also send written notice within 10 days of moving to the county sheriff with whom you last registered in Washington State.

5. Notification Requirement When Enrolling in or Employed by a Public or Private Institution of Higher Education or Common School (K-12): If you are a resident of Washington and you are admitted to a public or private institution of higher education, you are required to notify the sheriff of the county of your residence of your intent to attend the institution within 10 days of enrolling or by the first business day after arriving at the institution, whichever is earlier. If you become employed at a public or private institution of higher education, you are required to notify the sheriff for the county of your residence of your employment by the institution within 10 days of accepting employment or by the first business day after beginning to work at the institution, whichever is earlier. If your enrollment or employment at a public or private institution of higher education is terminated, you are required to notify the sheriff for the county of your residence of your termination of enrollment or employment within 10 days of such termination. (Effective September 1, 2006) If you attend, or plan to attend, a public or private school regulated under Title 28A RCW or chapter 72.40

RCW, you are required to notify the sheriff of the county of your residence of your intent to attend the school. You must notify the sheriff within 10 days of enrolling or 10 days prior to arriving at the school to attend classes, whichever is earlier. If you are enrolled on September 1, 2006, you must notify the sheriff immediately. The sheriff shall promptly notify the principal of the school.

6. Registration by a Person Who Does Not Have a Fixed Residence: Even if you do not have a fixed residence, you are required to register. Registration must occur within 24 hours of release in the county where you are being supervised if you do not have a residence at the time of your release from custody. Within 48 hours excluding weekends and holidays after losing your residence, you must send signed written notice to the sheriff of the county where you last registered. If you enter a different county and stay there for more than 24 hours, you will be required to register in the new county. You must also report weekly in person to the sheriff of the county where you are registered. The weekly report shall be on a day specified by the county sheriff's office, and shall occur during normal business hours. You may be required to provide a list the locations where you have stayed during the last seven days. The lack of a fixed residence is a factor that may be considered in determining an offender's risk level and shall make the offender subject to disclosure of information to the public at large pursuant to RCW 4.24.550.

If you move to another state, or if you work, carry on a vocation, or attend school in another state you must register a new address, fingerprints, and photograph with the new state within 10 days after establishing residence, or after beginning to work, carry on a vocation, or attend school in the new state. You must also send written notice within 10 days of moving to the new state or to a foreign country to the county sheriff with whom you last registered in Washington State

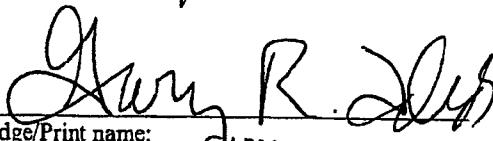
7. Reporting Requirements for Persons Who Are Risk Level II or III: If you have a fixed residence and you are designated as a risk level II or III, you must report, in person, every 90 days to the sheriff of the county where you are registered. Reporting shall be on a day specified by the county sheriff's office, and shall occur during normal business hours. If you comply with the 90-day reporting requirement with no violations for at least five years in the community, you may petition the superior court to be relieved of the duty to report every 90 days.

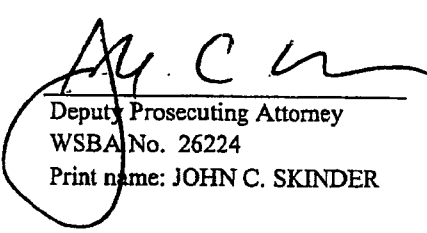
8. Application for a Name Change: If you apply for a name change, you must submit a copy of the application to the county sheriff of the county of your residence and to the state patrol not fewer than five days before the entry of an order granting the name change. If you receive an order changing your name, you must submit a copy of the order to the county sheriff of the county of your residence and to the state patrol within five days of the entry of the order. RCW 9A.44.130(7).

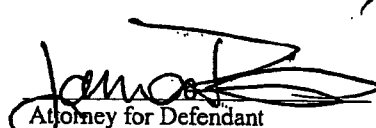
- 5.8 [ ] The court finds that Count \_\_\_\_\_ is a felony in the commission of which a motor vehicle was used. The clerk of the court is directed to immediately forward an Abstract of Court Record to the Department of Licensing, which must revoke the defendant's driver's license. RCW 46.20.285.
- 5.9 If the defendant is or becomes subject to court-ordered mental health or chemical dependency treatment, the defendant must notify DOC and the defendant's treatment information must be shared with DOC for the duration of the defendant's incarceration and supervision. RCW 9.94A.562.

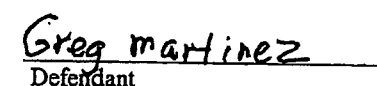
5.10 OTHER: Bail previously posted, if any, is hereby exonerated and shall be returned to the posting party.

DONE in Open Court and in the presence of the defendant this date: 9-21-09

  
Judge/Print name: GARY R. TABOR

  
Deputy Prosecuting Attorney  
WSBA No. 26224  
Print name: JOHN C. SKINDER

  
Attorney for Defendant  
WSBA No 18174  
Print name: JAMES SHACKLETON

  
Defendant  
Print name: GREG STEVEN MARTINEZ



**VOTING RIGHTS STATEMENT:** RCW 10.64.140. I acknowledge that my right to vote has been lost due to felony conviction. If I am registered to vote, my voter registration will be cancelled. My right to vote may be restored by: a) A certificate of discharge issued by the sentencing court, RCW 9.94A.637; b) A court order issued by the sentencing court restoring the right, RCW 9.92.066; c) A final order of discharge issued by the indeterminate sentence review board, RCW 9.96.050; or d) A certificate of restoration issued by the governor, RCW 9.96.020. Voting before the right is restored is a class C felony, RCW 92A.84.660.

Defendant's signature: Greg Martinez

I am a certified interpreter of, or the court has found me otherwise qualified to interpret, the \_\_\_\_\_ language, which the defendant understands. I translated this Judgment and Sentence for the defendant into that language.

Interpreter signature/Print name: \_\_\_\_\_

I, \_\_\_\_\_, Clerk of this Court, certify that the foregoing is a full, true and correct copy of the Judgment and Sentence in the above-entitled action now on record in this office.

WITNESS my hand and seal of the said Superior Court affixed this date: \_\_\_\_\_

Clerk of the Court of said county and state, by: \_\_\_\_\_, Deputy Clerk

# IDENTIFICATION OF DEFENDANT

SID No. WA22840263

(If no SID take fingerprint card for State Patrol)

Date of Birth                     

FBI No. 359099JC5

Local ID No.                                     

PCN No. 766837271

Other                                     

Alias name, DOB:   

## Race:

☐ Asian/Pacific  
Islander

☐ Black/African-American

☒ Caucasian

## Ethnicity:

☐ Hispanic

## Sex:

☒ Male

☐ Native American

☐ Other:                                     

☐ Non-Hispanic

☐ Female

**FINGERPRINTS:** I attest that I saw the same defendant who appeared in court on this document affix his or her fingerprints and signature thereto. Clerk of the Court, Deputy Clerk, Amma Kunda Dated: 09-26-2009

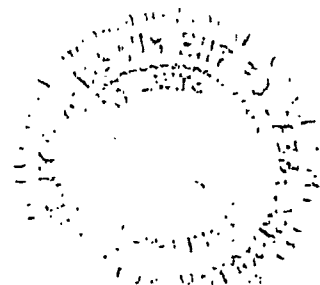
DEFENDANT'S SIGNATURE: Greg Martinez

Left four fingers taken simultaneously

Left  
Thumb

Right  
Thumb

Right four fingers taken simultaneously



IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
IN AND FOR THE COUNTY OF THURSTON

STATE OF WASHINGTON

NO. 05-1-01083-9

Plaintiff,

WARRANT OF COMMITMENT ATTACHMENT TO  
JUDGMENT AND SENTENCE (PRISON)

vs.

GREG STEVEN MARTINEZ,

Defendant.

DOB: [REDACTED]  
SID: WA22840263 FBI: 359099JC5  
PCN: 766837271  
RACE: W  
SEX: M  
BOOKING NO: C0131904

THE STATE OF WASHINGTON TO:

The Sheriff of Thurston County and to the proper officer of the Department of Corrections.

The defendant GREG STEVEN MARTINEZ has been convicted in the Superior Court of the State of Washington for the crime(s) of:

RAPE OF A CHILD IN THE FIRST DEGREE

and the court has ordered that the defendant be sentenced to a term of imprisonment as set forth in the Judgment and Sentence.

YOU, THE SHERIFF, ARE COMMANDED to take and deliver the defendant to the proper officers of the Department of Corrections; and

YOU, THE PROPER OFFICERS OF THE DEPARTMENT OF CORRECTIONS, ARE COMMANDED to receive the defendant for classification, confinement and placement as ordered in the Judgment and Sentence.

By direction of the Honorable:

  
GARY R. TABOR  
BETTY J. GOULD  
CLERK

By:   
DEPUTY CLERK

FILED  
SUPERIOR COURT  
THURSTON COUNTY, WA

'09 SEP 21 P2:34

BETTY L. GOULD CLERK

By \_\_\_\_\_ DEPUTY

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
IN AND FOR THE COUNTY OF THURSTON

STATE OF WASHINGTON

Cause No.: 05-1-01083-9

Plaintiff

v.

Defendant

Greg Steven Martinez

DOC No. 897221

JUDGEMENT AND SENTENCE (FELONY)  
APPENDIX H  
COMMUNITY PLACEMENT / CUSTODY

The court having found the defendant guilty of offense(s) qualifying for community placement, it is further ordered as set forth below.

**COMMUNITY PLACEMENT/CUSTODY:** Defendant additionally is sentenced on convictions herein, for the offenses under RCW 9.94A.712 committed on or after September 1, 2001 to include up to life community custody; for each sex offense and serious violent offense committed on or after June 6, 1996 to community placement/custody for three years or up to the period of earned early release awarded pursuant to RCW 9.94A.150 (1) and (2) whichever is longer; and on conviction herein for an offense categorized as a sex offense or serious violent offense committed on or after July 1, 1990, but before June 6, 1996, to community placement for two years or up to the period of earned release awarded pursuant to RCW 9.94A.150 (1) and (2) whichever is longer; and on conviction herein for an offense categorized as a sex offense or a serious violent offense committed after July 1, 1988, but before July 1, 1990, assault in the second degree, any crime against a person where it is determined in accordance with RCW 9.94A.125 that the defendant or an accomplice was armed with a deadly weapon at the time of commission, or any felony under chapter 69.50 or 69.52 RCW, committed on or after July 1, 1988, to a one-year term of community placement.

05-1-01083-9

Greg Steven Martinez 897221

Page 1 of 3

Community placement/custody is to begin either upon completion of the term of confinement or at such time as the defendant is transferred to community custody in lieu of early release.

**(a) MANDATORY CONDITIONS:** Defendant shall comply with the following conditions during the term of community placement/custody:

- (1) Report to and be available for contact with the assigned Community Corrections Officer as directed;
- (2) Work at Department of Corrections' approved education, employment, and/or community service;
- (3) Not consume controlled substances except pursuant to lawfully issued prescriptions;
- (4) While in community custody not unlawfully possess controlled substances;
- (5) Pay supervision fees as determined by the Department of Corrections;
- (6) Receive prior approval for living arrangements and residence location;
- (7) Defendant shall not own, use, or possess a firearm or ammunition when sentenced to community service, community supervision, or both (RCW 9.94A, 120 (13));
- (8) Notify community corrections officer of any change in address or employment; and
- (9) Remain within geographic boundary, as set fourth in writing by the Community Corrections Officer.

**WAIVER:** The following above-listed mandatory conditions are waived by the Court:

**(b) OTHER CONDITIONS:** Defendant shall comply with the following other conditions during the term of community placement / custody:

- 1) No contact with the victim and his immediate family for ten years;
- 2) Obey all laws;
- 3) Obey all rules of the Department of Corrections;
- 4) No contact w/minors unless supervised by a responsible adult who is aware of your offense and has been approved in advance by your CCO and therapist;
- 5) Do not enter into a relationship with any person who has minors in their care or custody without approval of your CCO and therapist;
- 6) Hold no position of authority or trust involving minors or participate in any youth programs;
- 7) Sexual Deviancy Treatment as directed by your CCO and comply with all rules of treatment;
- 8) Not possess or peruse any sexually explicit material as defined by your CCO and therapist;
- 9) Stay out of business establishments offering sexually explicit material or entertainment;
- 10) Not frequent or loiter in areas where children congregate;
- 11) Do not access the Internet or make use of any computer modem;
- 12) Living conditions and residence location to be approved in advance by CCO;

05-1-01083-9

Greg Steven Martinez 897221

Page 2 of 3

- 13) No possession or consumption of controlled substances unless by lawful prescription;
- 14) Submit to random urinalysis and/or breathalyzer;
- 15) Notify your employer of your conviction and rules of supervision and treatment;
- 16) Mandatory HIV test;
- 17) Mandatory DNA test;
- 18) Mandatory Sex Offender Registration;
- 19) Submit to polygraph/plethysmograph testing as required by your therapist/CCO to monitor compliance with sentence;
- 20) Abide by any other conditions imposed by the Court and your CCO

9-21-09  
DATE

Gary R. Tabor  
JUDGE, THURSTON COUNTY SUPERIOR COURT  
GARY R. TABOR

05-1-01083-9  
Greg Steven Martinez 897221  
Page 3 of 3

# **ATTACHMENT G**

## Hearings Review Sheet

Pre . 100 ☐ CCB .420 ☒  
 Cashaw ☐ "Cashaw Like" ☐  
 Other ☐

<b>Offender LAST, First Name:</b> Martinez, Greg		<b>DOC #</b> 897221		<b>HO Review sheet Date:</b> 1/22/14	
<b>DOB:</b> [REDACTED]		<b>AGE:</b> 27		<b>PREA INFO:</b> YES: <input type="checkbox"/> NO: <input checked="" type="checkbox"/>	
<b>Hearing Date:</b> 2.4.2014		<b>Hearing Location:</b> MCC - TRU		<b>Maximum Expiration Date:</b> LIFE	
<b>Crime:</b> Rape of a Child in the First Degree		<b>Original MT:</b> 93 months <b>PV MT:</b> N/A		<b>Maximum Term:</b> LIFE	
<b>Time Start:</b> 09-25-2009					
<b>ERD:</b> 6/4/2014	<b>ERD %</b> 10.00	<b>Time left to Add to MT:</b> LIFE	<b>Current prison time:</b> 53 months	<b>Total Prison Time:</b> 53 months	<b>Jail Time:</b> 839 days
<b>CRT:</b> JAS		<b>Issues or Concerns:</b>			
<b>Hearings Investigator:</b> Kristi Busch		<b>Counselor's Full Name:</b> M. L. McBride		<b>Therapist's Full Name:</b> Ann Delgado	
<b>Special Needs (check all that apply):</b> <input type="checkbox"/> Interpreter Name: <input type="checkbox"/> Attorney Name: <input type="checkbox"/> Mental Health <input type="checkbox"/> Other		<b>ESRC refer to Sub:</b> <input type="checkbox"/> yes <input checked="" type="checkbox"/> no		<b>FPE completed:</b> <input type="checkbox"/> yes <input type="checkbox"/> no <b>Finding:</b>	
<b>SO Level:</b> Level I community notification recommendation	<b>Static 99:</b> 3, Moderate/Low	<b>RRASOR</b> N/A	<b>MnSOST-R</b> 1, Low	<b>LSI-R</b> N/A	<b>PCL-R</b> N/A
<b>VRAG:</b> N/A	<b>Polygraph:</b>	<b>Date of Most Current Facility Plan:</b> 1/8/14		<b>Date of Last ESRC:</b> 12/9/13	
<b>DOC Static Risk:</b> Low	<b>Other Risk Assessments:</b>				
<b>PREA Narrative (If PREA checked yes above):</b> N/A					
<b>Panel:</b>			<b>Presiding:</b>		
<b>Other:</b>			<b>Other:</b>		
<b>Recommendations:</b>					
<b>Do Not Release at this time and add</b> <b>Months.</b>					
<b>Other:</b>					
<b>Reasons:</b>					

**Jurisdiction:** Greg Martinez is under the jurisdiction of the Board on a September 27, 2006 (original Special Sex Offender Sentencing Alternative (SSOSA) sentencing date), conviction in Thurston County Cause No. 05-1-01083-9 for Rape of a Child in the First Degree. Mr. Martinez's SSOSA sentence was revoked on September 21, 2009. The time start is September 25, 2009. The minimum term was set at 93 months from a Sentencing Reform Act (SRA) range of 93 to 123 months. The maximum term is life. Mr. Martinez has served approximately 53 months in prison and 839 days of jail time.



Note: SRA Companion Cause/Count is: N/A

The Judge and Prosecutor Recommendation (for PRE's) is: N/A

<b>Offender Name:</b> Martinez Greg	<b>DOC#:</b> 897221 <b>HO Review Sheet Date:</b>
<b>Hearings Investigator Analysis</b>	<b>Board Member Notes</b>
<b>Previous Board Decision(s):</b> This will be Mr. Martinez's first .420 hearing.	
<b>Description of Crime(s):</b> During the month of May of 2005, Mr. Martinez (19) sexually assaulted a 9 year old family member. The victim is the son of Mr. Martinez's step-sister, making the victim his step-nephew. The sexual assaults occurred at the home Mr. Martinez lived in with his parents. His parents are the grandparents of the victim.  In June of 2005, the victim disclosed to his mother that Mr. Martinez had sexually assaulted him by placing his mouth on his (the victim) penis. When law enforcement contacted the victim to interview him he became scared. He told the police that Mr. Martinez had threatened him if he ever told anyone. The victim disclosed that the sexual assaults against him by Mr. Martinez started at his age of 6. He stated they occurred on multiple occasions, with the majority taking place in Mr. Martinez's bedroom. The majority of the assaults involved Mr. Martinez placing his mouth on the victim's penis. The victim related that Mr. Martinez told him he did this while the victim slept. The victim disclosed that Mr. Martinez offered to buy him gifts, and also threatened him if he disclosed the sexual abuse.  The victim also related that on one occasion Mr. Martinez had visited the victim's home. During this visit Mr. Martinez made a fort out of blankets in the victim's room, and then hid in the victim's closet. The victim stated that when he entered his bedroom Mr. Martinez came out of the closet, covered his mouth, and took him into the fort made of blankets. Mr. Martinez then penetrated the victim's anus with his penis.  Mr. Martinez was originally charged with two counts of Rape of a Child in the First Degree, however as a result of a plea agreement, one of the counts was dropped. Mr. Martinez was given a SSOSA sentence, with six months jail confinement. Mr. Martinez served community supervision for just	

<p>about three years prior to his revocation. Please see the section entitled Other History/Conduct for information regarding his SSOSA revocation.</p>	
<p><b>Other Adjudicated Criminal History/Conduct:</b> None listed.</p>	
<p><b>Other History/Conduct:</b> As stated above, Mr. Martinez's SSOSA sentence was revoked in September of 2009. File material reflects this occurred after a total of four violation processes beginning in 2007. The violations included: frequenting areas where children congregate by going to church without permission, and entering a public bookstore and viewing photographs of nude women while there; moving without permission of his Community Corrections Officer (CCO); and possessing pornography. File material also notes that Mr. Martinez became verbally aggressive toward his CCO after he was unable to provide a urine sample at the direction of his CCO. In addition, Mr. Martinez's sexual deviancy treatment provider terminated him from treatment in approximately April of 2008, as a result of his failure to comply with rules and poor progress. The treatment provider also noted that his attitude and commitment to the treatment process was poor, and he had chosen to be oppositional and defiant with supervision. The treatment provider recommended termination of his SSOSA sentence.</p> <p>It is important to note that the Court stated in its Findings of Fact and Conclusions of Law, dated September 29, 2006, that the Court granted a SSOSA sentence despite Susan Batson, a certified sex offender treatment provider, stating that Mr. Martinez was a "marginal candidate" for the SSOSA option; and Brian Cobb, also a certified sex offender treatment provider, who declined to provide treatment to Mr. Martinez based on his risk to reoffend, and concerns regarding amenability to treatment. Mr. Cobb made a referral to Comte and Associates as they had a treatment group for young men, similar to Mr. Martinez, who suffer from developmental delays. The Court noted that Comte and Associates agreed to treat Mr. Martinez. This document is located in Liberty, as is the letter from Comte and Associates, dated April 1, 2008, recommending termination from their program.</p>	
<p><b>Additional Disclosures:</b> The ESRC report noted the following information, which was derived from a psychosexual evaluation</p>	

report authored by Sue Batson, dated February 2, 2006:

- Mr. Martinez acknowledged that he began viewing pornography via the Internet during the seventh grade. He reported that he preferred Japanese animated pornography over "real" people engaging in sexual acts. He also stated he fantasized about cartoon "Hentai" characters. He also reported regularly viewing pornographic movies and magazines beginning as a teen until his evaluation in 2006.
- Exposing himself to his cousin while in public.
- As a teen, having sexual contact with his "way younger" male cousin that included Mr. Martinez placing his mouth on the victim's penis, and the victim putting his mouth on Mr. Martinez's penis.
- Touching/hitting his step-sister's bottom, which he called a "little grab ass thing."
- He stole his girlfriend's underwear, and had a dog lick his penis.
- He gave the adjudicated victim trading cards in sexual acts.
- At 13, sexual contact with a slightly older female cousin to include touching her breast and vagina, digitally penetrating her vagina, mouth on her vagina, her mouth on his penis, and sexual intercourse. It is unknown if this was consensual.
- This report stated that Mr. Martinez neglected to mention most of the other sexual contact with family, to include at least one other cousin who appeared to be much younger than himself.

This report is not located in ISIS. It can be found in Liberty beginning on page 120 of the ESR File Review Packet.

The ESRC report references a police report in file material indicating that at his age of 9 Mr. Martinez had sexual contact with a similar aged male, and a 12-13 year old male. Mr. Martinez told the investigators that the three were playing a game in which they all exposed their penises to each other, and were hitting each other with them.

**Institutional Behavior Prior to Last Hearing:**

**Serious:**

To date Mr. Martinez has incurred a total of thirteen serious infractions during his incarceration as follows:

- September 28, 2010: **#657, Four General Infractions.**
- October 2, 2010: **#658, Fail to Perform.**
- February 23, 2011: **#658, Fail to Perform.**
- February 28, 2011: **#657, Four General**

**Infractions.**

- April 7, 2011: **#658, Fail to Perform.**
- May 9, 2011: **#657, Four General Infractions.**
- June 16, 2011: **#505, Fighting; and #663, Strongarming/Intimidation.**
- June 26, 2011: **#658, Fail to Perform.**
- July 19, 2011: **#657, Four General Infractions.**
- September 2, 2011: **#714, Borrow/Sell/Lend/Trade > \$10.00.** Mr. Martinez allowed another inmate to borrow ten graphic novel books that belonged to him. His name and DOC number were written in each of the books. The books were referred to as a series entitled "Bleach," volumes six through fifteen. This writer researched "Bleach" on the Internet and found that it is a popular series of books, as well as a popular anime television series that originated in Japan. It follows the adventures of the main character who obtains the powers of a "soul reaper," a death personification similar to the grim reaper. The character's new powers force him to take on the duties of defending humans from evil spirits, and guiding departed souls to the afterlife. One of the characters is described as a female who has large breasts.
- September 28, 2011: **#658, Fail to Perform.**
- February 5, 2013: **#659, Sexual Harassment.** A Correctional Officer was conducting random pat searches, and when pat searching Mr. Martinez heard him moaning, "Ahhhhh" while patting down his legs. The Officer stopped immediately as he/she felt Mr. Martinez was receiving gratification from the contact. The Officer asked Mr. Martinez why he was moaning. Mr. Martinez stated his leg hurt due to having been at the gym. However, another Officer observed Mr. Martinez making facial expressions of satisfaction while he was being pat searched by the other Officer. It is unknown if the Officer who pat searched Mr. Martinez was male or female.

**General:**

To date Mr. Martinez has incurred a total of twenty-nine general infractions during his incarceration.

**Institutional Behavior Since Last Hearing:**

N/A – This is the first .420 hearing.

**Programming (Include dates):****Completed:**

- Homebuilders Carpentry – October 2010

**Assigned:**

Mr. Martinez is currently participating in the Sex

<p>Offender Treatment Program (SOTP).</p> <p>Electronic file material states Mr. Martinez earned a high school diploma in 2004.</p>	
<p><b>Institutional/Community Work History:</b></p> <p>The current facility plan notes that Mr. Martinez had been enrolled in the baking program at SCCC, but was terminated due to absences and his "ability to participate." He is currently on a job waiting list.</p> <p>File material indicates that Mr. Martinez held short-term jobs after high school. While in the community, Mr. Martinez was employed as a dishwasher in a restaurant. In May of 2009, he secured full time employment while on community supervision under a SSOSA. His job title and duties were not listed. It should be noted that some of the time Mr. Martinez was under a SSOSA sentence, he was serving jail time for violations. Other file material noted that Mr. Martinez experienced frequent unemployment, and lived at home.</p>	
<p><b>Sex Offender Treatment Program:</b></p> <p>Mr. Martinez entered the SOTP on February 28, 2013, and remains in the program. According to the SOTP Initial Treatment Plan authored by Ann Delgado, signed on June 10, 2013, some of his needs identified at intake were impulsive acts, and poor cognitive skills. Mr. Martinez stated that when he was about to offend, "The idea just popped into my head, and I just did it."</p> <p>Sexual pre-occupation, and attitudes supportive of sexual entitlement are treatment areas that should be explored. It was noted that Mr. Martinez experienced learning problems in school, and reported having Dyslexia. He is able to read and write, but has difficulty doing so at a level needed to complete the written work alone for the treatment program. The therapist noted that a plan of action would be developed for him so he could understand the material.</p> <p>Mr. Martinez has not yet completed the SOTP at the time of this writing. As such his high risk areas and interventions have not been published.</p> <p>The psychosexual evaluation report authored by Sue Batson, dated February 2, 2006, stated that Mr. Martinez, was fascinated with Japanese anime. The anime he likes are cartoon characters of children with anatomically advanced genitals, and depict the characters in sexually explicit acts.</p>	

<p><b>Psychological Evaluations &amp; Mental Health:</b>  According to the SOTP Initial Treatment Plan authored by Ann Delgado, signed on June 10, 2013, noted that Mr. Martinez's records show he has a history of Dyslexia, and special education throughout his time in school, and had problems with anger management. There is no indication of involvement in mental health treatment. At the time of intake into the SOTP Mr. Martinez denied any thoughts of suicide, or suicide attempts. This report also noted that Mr. Martinez reportedly has no problems with his mental health. Mr. Martinez has an S rating of one.</p> <p>The ESRC report noted that in January of 2012, Mr. Martinez was evaluated by Department of Corrections mental health staff, and determined he was not in need of services.</p> <p>The psychosexual evaluation report authored by Sue Batson, dated February 2, 2006, stated that Mr. Martinez, "Suffers from significant developmental disabilities, which probably place him in the borderline range of intellectual functioning." The report also noted that Mr. Martinez's mother was clear that he did not qualify for services through the Division of Developmental Disability Administration most likely because his IQ exceeds the maximum limit of 70.</p> <p>An OMNI chronological entry dated January 14, 2014, by Ann Delgado, noted that Mr. Martinez recently underwent some testing. The testing confirmed a diagnosis "that is likely Asperger's Disorder." This information was provided to Mr. Martinez's mother via telephone.</p>	
<p><b>Health Issues:</b>  None noted.</p>	
<p><b>Chemical Dependency:</b>  In 2009, Mr. Martinez was screened for chemical dependency needs. He was determined to not have any significant problem. There is no known history of involvement in chemical dependency treatment.</p> <p>According to the SOTP Initial Treatment Plan authored by Ann Delgado, signed on June 10, 2013, Mr. Martinez said he was a youth when he began experimenting with alcohol. According to a psychosexual evaluation authored by Sue Batson, dated February 2, 2006, Mr. Martinez reported drinking glasses and "sips" of wine, as well as shots</p>	

of hard liquor on occasion. He stated he had never used illegal drugs. The sexual history polygraph confirmed his report.	
<b>Community Support:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> None noted Mr. Martinez stated his community support comes from his mother and step-father, Tad and Nancy Tower, who reside in Lacey, Washington.	
<b>Community Concerns:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> None known at this time <input checked="" type="checkbox"/> Victim Liaison has provided input for this workup.	
<b>Release Plans:</b> Mr. Martinez would like to reside with his mother and step-father in their home in Lacey, Washington. He would also like to work for them in their pest control business.	
<b>Aggravating Risk Factors:</b>	
<b>Mitigating Risk Factors:</b>	
<b>Statement/Testimony of Offender:</b> To date the ISRB has not received any statements from Mr. Martinez.	
<b>Other Hearing Notes:</b>	

# **ATTACHMENT H**





STATE OF WASHINGTON  
**DEPARTMENT OF CORRECTIONS**  
**INDETERMINATE SENTENCE REVIEW BOARD**  
P.O. BOX 40907, OLYMPIA, WA 98504-0907

**DECISION AND REASONS**

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NAME: MARTINEZ, Greg  
DOC #: 897221  
INSTITUTION: MCC – Twin Rivers Unit  
TYPE OF HEARING: .420 Hearing  
HEARING DATE: February 4, 2014  
PANEL MEMBERS: KR & DT

---

This matter came before Kecia Rongen and Dennis Thaut, who are members of the Indeterminate Sentence Review Board (ISRB or the Board), on the above date for a release hearing in accordance with the provisions of RCW 9.95.420. Mr. Martinez appeared in person. This hearing was continued at the request of the Board and in agreement with Mr. Martinez due to the need for an attorney to be assigned to Mr. Martinez. This is due to his limited capacity to understand the information in his ESRC/Sinka packet.

**NEXT ACTION:**

Reschedule Mr. Martinez on the next available docket with an attorney assigned to represent him.

KR:jas  
March 11, 2014

cc: Institution  
Greg Martinez  
File  
Richard Linn, Attorney

ATTACHMENT H

# **ATTACHMENT I**



STATE OF WASHINGTON  
**DEPARTMENT OF CORRECTIONS**  
**INDETERMINATE SENTENCE REVIEW BOARD**  
P.O. BOX 40907, OLYMPIA, WA 98504-0907

**DECISION AND REASONS**

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NAME:	MARTINEZ, Greg
DOC #:	897221
FACILITY:	Monroe Correctional Complex – Twin Rivers Unit
TYPE OF HEARING:	.420 Hearing
HEARING DATE:	April 8, 2014
PANEL MEMBERS:	DT & LD
FINAL DECISION DATE:	June 14, 2014

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This matter came before Dennis Thaut and Lynne De Lano, who are members of the Indeterminate Sentence Review Board (ISRB or the Board), on the above date for a release hearing in accordance with the provisions of RCW 9.95.420. Mr. Martinez appeared in person and was represented by attorney En-Tie Soon. Testimony was provided by Department of Corrections (DOC) Classification Counselor (CC) M. L. McBride, DOC Sex Offender Treatment Program (SOTP) therapist Jon Hartz, and Mr. Martinez.

**BOARD DECISION:**

This was a Deferred Decision. Based on the burden of proof set out in RCW 9.95.420 and the totality of evidence and information provided to the Board, the Board does not find by a preponderance of the evidence that Mr. Martinez is more likely than not to commit a sex offense if released on conditions at this time. Consequently, the Board finds Mr. Martinez releasable.

**NEXT ACTION:**

Submit an Offender Release Plan (ORP).

ATTACHMENT I

**JURISDICTION:**

Mr. Martinez is under the jurisdiction of the Board on a conviction of Rape of a Child in the First Degree out of Thurston County under Cause #05-1-01083-9. He was originally granted a SSOSA (Special Sex Offender Sentencing Alternative) sentence on September 27, 2006, which was revoked on September 21, 2009. His current time start is September 25, 2009. His minimum term was set at 93 months from a Sentencing Reform Act (SRA) range of 93 to 123 months. His maximum term is Life. Mr. Martinez has served approximately 53 months in prison, and 839 days of jail time.

**NATURE OF INDEX OFFENSE(S):**

File materials describe the underlying offense as Mr. Martinez, at age 19, sexually assaulting the 9 year old son of his stepsister. This occurred in May of 2005. The sexual assaults occurred at the home Mr. Martinez lived in with his parents, who are the grandparents of the victim.

The victim disclosed to his mother that Mr. Martinez had sexually assaulted him by placing his mouth on the victim's penis. When law enforcement contacted the victim to interview him he became scared. He told the police that Mr. Martinez had threatened him if he ever told anyone. The victim disclosed that the sexual assaults against him by Mr. Martinez occurred approximately three years earlier, when he was 6 years old. He indicated that they occurred on multiple occasions, with the majority taking place in Mr. Martinez's bedroom. The majority of the assaults involved Mr. Martinez placing his mouth on the victim's penis. The victim related that Mr. Martinez told him he did this while the victim slept. The victim disclosed that Mr. Martinez offered to buy him gifts, and also threatened him if he disclosed the abuse.

The victim further disclosed that on one occasion Mr. Martinez had constructed a "play fort" out of blankets in the victim's room, and that Mr. Martinez took the victim into the fort, covered his mouth, and penetrated his anus with his penis.

Mr. Martinez has admitted to all of the offending behavior as described, with the exception of the anal rape, which he denies.

As previously noted, Mr. Martinez was originally granted a SSOSA sentence in 2006, which was revoked in 2009 after four separate violation processes. The violations included: frequenting areas where children congregate by going to church without permission; entering a public bookstore and viewing photos of nude women; moving without permission of his Community Corrections Officer (CCO); and possessing pornography. It is further noted that Mr. Martinez was at one time verbally aggressive with his CCO after he was unable to provide a urine sample as directed. Mr. Martinez's community based sex offender treatment was terminated in April of 2008 as a result of his failure to comply with the rules and poor progress in treatment.

**PRIOR CRIMINAL CONDUCT:**

There is none noted; however at today's hearing Mr. Martinez disclosed several unadjudicated victims. He indicated that at the ages of 12 and 13 he committed oral/penile rape on three of his cousins who were between the ages of 6 and 8.

Mr. Martinez also indicated that he had a highly sexualized childhood, which began at age four with a five year old stepbrother engaging him in mutual fellatio. He stated that as a teenager he exposed himself in a theater on one occasion, and he indicated that he has been somewhat obsessed with Japanese animated pornography described as "Hentai," which depicts children sexually.

**HISTORY/COMMENTS:**

This is the Board's first meeting with Mr. Martinez.

**EVIDENCE CONSIDERED:**

In preparation for Mr. Martinez's hearing and its decision in this case, the Board completed a review of Mr. Martinez's DOC and ISRB files. The Board considered all information contained in

those files, including but not limited to: the End of Sentence Review Committee's report dated December 9, 2013, wherein he was determined to be Level One for community notification purposes. His actuarial scores place him within groups of offenders who score in the low to moderate range for general reoffense and in the low range for sexual reoffense. We also considered the most recent DOC facility plan; information regarding institutional behavior and programming; any letters of support and/or concerns sent to the Board; the Pre-Sentence Investigation report; and the Psychosexual Evaluation completed for his SSOSA authored by Susan Batson dated February 2, 2006. The Board also considered the Sex offender Treatment Summary, which was received on May 19, 2014. The Board also considered the testimony of the witnesses listed above.

**REASONS:**

Mr. Martinez's institutional experience started out rather poorly, resulting in his incurring 13 major violations during 2010 through 2011. Most of the infractions were the result of incurring numerous minor infractions and failing to follow through with the sanctions. He also incurred one infraction for fighting and strong arming, and one for allowing another inmate to borrow his graphic novels. Mr. Martinez's last violation occurred in February of 2013, where he was infractioned for sexual harassment for making moaning sounds when being pat searched by a female correctional officer. Mr. Martinez indicates that during the first few years of his incarceration he was irresponsible in terms of following rules, and he just wanted to "hang with his friends."

Mr. Martinez has programmed much better in the past year, and is currently working in the inmate kitchen. We note that he has completed Stress/Anger Management and Victim Empathy classes, and the SOTP in May. Treatment was difficult for him in part because of some rather significant developmental disabilities and dyslexia. Recent testing has indicated a likely diagnosis of Asperger's Disorder. As a result of these challenges Mr. Martinez has required the assistance of tutors, and progressed through treatment at a slower pace.

Mr. Martinez's initial treatment experience was problematic and he appeared to be ambivalent towards treatment and unwilling to give up his deviancy or do the required work. As a result, he was placed on a contract and has been progressing much better during the past four months.

Mr. Martinez indicated that he believes he is benefitting from his treatment experience, and he now understands the distortions which allowed him to offend. He can identify his high risk behaviors, which include: attraction to minors, both male and female; emotional identification with minors; impulsivity; pornography; and narcissism. We note that he completed his treatment in May and we have reviewed his Treatment Summary. His therapist indicates that he made adequate to significant progress on many of his goals.

Mr. Martinez has indicated he would prefer to release to his parents' home in Thurston County; however, there are victim issues in that area and his treatment therapist does not believe it would be a good idea to return him to his parents.

The Board is pleased that Mr. Martinez has completed treatment and believes this is an appropriate time to release him to the community. He should be required to attend community SOTP aftercare treatment.

DT:jas

June 13, 2014

cc: Institution  
Greg Martinez  
File  
En-Tie Soon, attorney

Martinez, Greg – DOC #897221  
Page 6 of 6



STATE OF WASHINGTON  
DEPARTMENT OF CORRECTIONS  
INDETERMINATE SENTENCE REVIEW BOARD  
P.O. BOX 40907, OLYMPIA, WA 98504-0907

DATE: June 5, 2014

TO: Full Board

FROM: DT & LD (Jody)

RE: Martinez, Greg #897221

Panel recommends: Find Mr. Martinez releasable.

Next action: Submit ORP.

Agree	Disagree
DT 6-13-14 LD 6-13-14 TNS 6/13/14 KLR 6/14/14	



# **ATTACHMENT J**



STATE OF WASHINGTON  
**DEPARTMENT OF CORRECTIONS**  
**INDETERMINATE SENTENCE REVIEW BOARD**  
P.O. BOX 40907, OLYMPIA, WA 98504-0907

**DECISION AND REASONS**

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NAME:	MARTINEZ, Greg	
NUMBER:	897221	
FACILITY:	ISRB	
TYPE OF HEARING:	Administrative Release	<input checked="" type="checkbox"/> CCB <input type="checkbox"/> Pre-84
HEARING DATE:	October 6, 2014	
PANEL MEMBERS:	KR & TS	

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**BOARD DECISION:**

The Indeterminate Sentence Review Board (ISRB) denies release for Martinez as outlined in the Offender Release Plan (ORP) dated September 24, 2014.

**REASONS FOR DECISION:**

The Indeterminate Sentence Review Board denies release for Greg Martinez # 897221 as outlined in the ORP dated September 24, 2014 due to the sponsor withdrawing support. Mr. Martinez will NOT reside in Pierce County at: 3606 East J. Street Tacoma, WA 98404

**NEXT ACTION:**

Submit an alternate ORP.

TS & KR: ts  
October 7, 2014

CC: MCC-TRU  
Greg MARTINEZ  
File

ATTACHMENT J

# **ATTACHMENT K**



STATE OF WASHINGTON  
**DEPARTMENT OF CORRECTIONS**  
**INDETERMINATE SENTENCE REVIEW BOARD**  
P.O. BOX 40907, OLYMPIA, WA 98504-0907

**DECISION AND REASONS**

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NAME:	MARTINEZ, Greg	
NUMBER:	897221	
FACILITY:	ISRB	
TYPE OF HEARING:	Administrative Release	<input checked="" type="checkbox"/> CCB <input type="checkbox"/> Pre-84
HEARING DATE:	February 17, 2015	
PANEL MEMBERS:	TR & KR	

---

**BOARD DECISION:**

The Indeterminate Sentence Review Board (ISRB) denies release for Greg Martinez as outlined in the Offender Release Plan (ORP) dated February 2, 2015.

**REASONS FOR DECISION:**

Due to the sponsor of the recommended release addresses removing approval for Mr. Martinez to live there, the Indeterminate Sentence Review Board denies release for Greg Martinez # 897221 as outlined in the ORP dated February 2, 2015.

**NEXT ACTION:**

Submit an alternate ORP.

TS & KR: ts  
February 18, 2015

CC: Institution  
Greg MARTINEZ  
File

ATTACHMENT K

# **ATTACHMENT L**

## ORP Work-up

<b>Offender LAST, First Name:</b> MARTINEZ, Greg	<b>DOC#:</b> 897221	<b>CCB</b> <input checked="" type="checkbox"/> <b>PAR</b> <input type="checkbox"/>
<b>(P)ERD:</b> 6/4/15	<b>Max Expiration Date:</b> Life	
<b>Hearings Investigator:</b> Kristi Busch	<b>CRT:</b> Teresa Schmidt	<b>Report Date:</b> 4/17/15

**Prior Release History:** Mr. Martinez has not been on CCB community supervision, however was supervised by the DOC on a SSOSA sentence that was revoked. He failed to notify the DOC of a change of address, and had prior violation behavior in addition.

**Infraction Behavior Since Last Hearing**

☐ Yes – Summary, if yes.     ☒ No

**Outstanding Warrants:** ☐ Yes ☒ No

**Community Concerns:**

- ☒ The Victim Liaison is aware of this release and Community Concerns exist for this offender.  
There are community concerns for Thurston County.
- ☐ The Victim Liaison is aware of this release. We are unaware of any community concerns at this time.

**Recommended Plan for Offender:**

The current proposed release plan for Mr. Martinez is to a transition house located at 2512 Martin Luther King Jr Way, Tacoma, WA 98405. The sponsor is Morton Perry, telephone number (253) 222-0872. Mr. Martinez's parents reside in Thurston County and are willing to provide support. They own a pest control company and have offered to have him work for them in Pierce County if approved by DOC. CCO Allen Werth investigated this release plan and recommended approval. CCO Werth did not recommend any additional conditions of supervision.

**Hearing Investigator Recommendation:**

Mr. Martinez has a Level I community notification recommendation from the ESRC. The victim in this case was a minor male, 9 years old at the time. There are also several unadjudicated offenses involving minor males. The Board noted in its Decision and Reasons, dated June 14, 2014, that Mr. Martinez had become somewhat obsessed with Japanese animated pornography described as "Hentai," which depicts children sexually. Pornography was also identified as one of his high risk areas. The Board also noted Mr. Martinez should be required to attend the community phase of SOTP. Mr. Martinez will be able to attend the community phase of the SOTP in Pierce County. I recommend the Board approve this release plan with the following recommended conditions:

**Recommended Conditions:**

- You must enter into, successfully participate in, and complete the community phase of the Sex Offender Treatment Program. Sign all releases necessary to ensure that the CCO can consult with the treatment provider to monitor progress and compliance.
- You must not engage in a romantic relationship without first disclosing your status as a sex offender and the nature of your crime(s) and unadjudicated victims. You must also disclose any romantic relationships to your CCO and your sexual deviancy therapist.
- You must not enter Thurston County without prior written approval of your CCO and the ISRB.

## ORP Work-up

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- In releasing under this Order, both you and the State agree that the results of any polygraph examination required by your Judgment and Sentence shall be admissible in any violation hearings held before the ISRB.

**Inmate: MARTINEZ, Greg Steven (897221)**

Gender: Male    DOB: [REDACTED]    Age: 28    Category: Regular Inmate    Birth Status: Active Inmate  
Risk: LOW    Wrap-Around: No    Comm. Concern: Yes    Custody Level: Minimum 2 - Camp    Location: MCC-WSR-MSU — CC3 / CC301L  
ERD: 06/04/2014    CC/CCO: Julian, Cyndi

**Offender Release Plan**

Status: In-Effect    Last Updated: 04/03/2015    Updated By: Skipworth, Kristine M

**Offender Release Plan Type**

## Notification(Select All That Apply)

- ☒ Release On Max Expiration Date To Supervision  
On The Current Commitment
- ☐ Tolled Causes
- ☐ Detainer
- ☒ Release Without Approved Address
- Release With No Supervision Requirement For  
Current Commitment

Other

## Investigation(Select All That Apply)

- ☒ Assign For Transition Plan Investigation
- ☐ Assign For ISRB Transition Plan Investigation (Pre-1984 Indeterminate Sentence)
- ☒ Assign For ISRB Transition Plan Investigation  
(Community Custody Board)
- Assign For ISRB Transition Plan Investigation (AM  
JUV-BRD)
- Assign For ISRB Transition Plan Investigation (LT  
JUV-BRD)
- ☐ Assign For Extraordinary Medical Placement
- ☐ Assign For Interstate Compact Transition Plan  
Investigation
- ☐ Other

**Offender Information**

Cause  
Information:

AA-051010839-Thurston-CCB    Rape Of A Child 1

(1) Counts    Pending  
Field

End Of Sentence Review:    Referral

Current Sex Offense Or Other Current  
Offense With A Finding Of Sexual  
Motivation Enhancement:    Yes

ESR Sex Offender Level:    Level 1  
Date: 09/04/2013

Any Offense Requires Registration:    Yes



Civil Commitment - Sexually Violent Predator (SVP) Consideration:	No	
Offender Re-Entry Community Safety Program (ORCS):	No	
Is Current Incarceration A DOSA Sentence:	No	
Victim Services Community Victim Liaison Assigned:	Yes	Assigned CVL: Hanegan-Cruse, Ellen R
Housing Voucher Benefits Applied For:	Yes	
Treatment Needs And Availability:	Yes	
Community Concerns:	Yes	
Child Protective Services/Adult Protective Services Concerns:	No	
Community Support Resources:	Yes	
Employment:	Yes	
Additional Information:	No	

## Comments:

P completed SOTP and will be participating in Phase 3 in the community.

**Offender Release Address Information**

1	Address Number	Sponsor First Name	Sponsor Last Name	Address Line 1
	Homeless/Address Unknown	Morton	Perry	2512 MLK Jr. Way
	Proposed Address <input checked="" type="radio"/>	County: Pierce		Address Line 2
	Release Sponsor Orientation Checklist Completed?			
	<input checked="" type="radio"/> Yes <input type="radio"/> No	Sponsor Phone No.	Phone Type	*City
	County Of Origin: Thurston	<span style="background-color: black; color: black;">XXXXXXXXXX</span>	Cell	Tacoma
				*State:
				Washington
				*Country
				United States
				Zip Code:
				98405

Outside Of County Of Origin? : Yes

Counselor Outside Of Origin Comments

CVL has prohibited Thurston County due to victim concerns. Offender is under CCB and County of origin is not applicable.

### Outside of County of Origin Approval

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Approver Name: Wood, Michele I

	Approve	Deny	Approval Reason
Address 1	<input checked="" type="radio"/>		Victim safety issues

Approver Outside Of County Of Origin Comments:

Offender cannot return to county of origin due to victim concerns.

### Counselor

---

Comments:

P has been approved for a DOC ERD Housing Voucher. He cannot release to his County of Origin due to Victim Concerns. P interviewed with Morton Perry and was accepted for housing. P's parents live in Thurston County and will provide as much support as they can from there. They own a Pest Control Business and P may be able to work a commercial route in Pierce County with his sister, if approved by DOC.

### Assignment Officer

---

Comments:

### Community Corrections Officer

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Assigned CCO Name: Werth, Allen J

Housing Voucher Approved: Yes

Comments:

I have been to the home and talked with the resident manager and the owner of the home. I have communicated with the CVL and she has no problems with the home as the victim is now 18 and in Collage.

Reviewer: Blatman-Byers, Karen

☒ Approve  
☐ Deny

### Offender Reporting Instructions

---

Upon release, offender should be directed to report to the Department of Corrections located at:

Street Address 1 1016 S. 28TH STREET, 2ND FLOOR, MS:WT-43 Location Phone (253) 680-2626  
 Street Address 2  
 City Tacoma  
 State Washington  
 Zip Code 98409  
 Report In Person To Werth, Allen J

Reporting Notes:

**Community Corrections Supervisor**

Supervisor Name: Blatman-Byers, Karen

Comments:  
concurReviewer: Skipworth,  
Kristine M

- ☒ Approve
- ☐ Deny

**Field Administrator**

Field Administrator Name: Skipworth, Kristine M

Comments:  
6157 exception approved

- ☒ Approve
- ☐ Deny

**ORP History**

Action Date	Staff Name	Position	Action	Status	Approve/ Complete Deny
04/03/2015	Skipworth, Kristine M	Field Administrator	Approve Pending ISRB Action	In-Effect	Approve
04/02/2015	Blatman-Byers, Karen	Community Corrections Supervisor	Forward Address#1 for Approval	In-Review	
04/02/2015	Werth, Allen J	Community Corrections Officer 3	Forward Address#1 for Approval	In-Review	
03/30/2015	Wassum, Kele L	Office Support Supervisor 2	Submit Address#1 for Notification or Investigation	In-Work	
03/30/2015	Julian, Cyndi	Classification Counselor 2	Submit address#1 for Assignment	In-Work	
03/30/2015	Wood, Michele I	Associate Superintendent - MCC/WSRU	Approve Address#1 Out of County	In-Work	
03/27/2015	Julian, Cyndi	Classification Counselor 2	Submit Out of County Approval	In-Work	
03/13/2015	Julian, Cyndi	Classification Counselor 2	Create ORP	In-Work	

# **ATTACHMENT M**

Indeterminate Sentence Review Board  
Parole and Release Decision Sheet

Offender: MARTINEZ, Greg

DOC#: 897221

Date: 4/17/15

☐ PRE ☒ CCB

☒ Parole / Release APPROVED

☐ Parole / Release NOT Approved

☒ Release ASAP (+35 day notification)

**CONDITIONS:**

☒ **Change** CCO and HI recommended conditions. (*List change to conditions below*)

- A. You must enter into, successfully participate in, and complete the community phase of the Sex Offender Treatment Program. Sign all releases necessary to ensure that the CCO can consult with the treatment provider to monitor progress and compliance.
- B. You must not engage in a romantic and/or sexual relationship without first disclosing your status as a sex offender and the nature of your crime(s) and unadjudicated victims. You must also disclose any romantic and/or sexual relationships to your CCO and your sexual deviancy therapist.
- C. You must obtain a mental health evaluation within 60 days of your release and provide a copy of the evaluation to your CCO and the ISRB. You must enter into, successfully participate in and complete all recommended treatment protocols and sign all releases necessary to ensure that the CCO and ISRB can consult with the treatment provider to monitor progress and compliance.
- D. You must not enter Thurston County without prior written approval of your CCO and the ISRB.
- E. In releasing under this Order, both you and the State agree that the results of any polygraph examination required by your Judgment and Sentence shall be admissible in any violation hearings held before the ISRB.

**REASONS FOR DECISION:**

The Indeterminate Sentence Review Board authorizes release for Greg Martinez, DOC No. 897221 as outlined in the ORP dated April 3, 2015. Mr. Martinez will reside in Pierce County at:

1902 South M Street

Tacoma, WA 98405

Within 24 hours of release, the offender will report to CCO Allen Werth at the DOC office located at 1016 South 28<sup>th</sup> Street, Second Floor, Tacoma, WA 98409. The CCO's phone number is (253) 680-2626.

**ADDITIONAL COMMENTS:**

Mr. Martinez and his CCO are to meet in person as soon as practical upon release to be thoroughly familiar with all Court and Board ordered conditions of community custody. The Board expects compliance with all conditions and full cooperation with the CCO. The CCO shall immediately report any violation to the Board at [lsrb@doc1.wa.gov](mailto:lsrb@doc1.wa.gov) or (360) 407-2400.

APPROVE (initial and date)

NOT APPROVE (initial and date)

TNS 4/24/15

KLR 4/30/15

# **ATTACHMENT N**



STATE OF WASHINGTON  
**DEPARTMENT OF CORRECTIONS**  
**INDETERMINATE SENTENCE REVIEW BOARD**  
P.O. BOX 40907, OLYMPIA, WA 98504-0907

**DECISION AND REASONS**

---

NAME:	MARTINEZ, Greg	
NUMBER:	897221	
FACILITY:	ISRB	
TYPE OF HEARING:	Administrative Release	<input checked="" type="checkbox"/> CCB <input type="checkbox"/> Pre-84
HEARING DATE:	April 30, 2015	
PANEL MEMBERS:	TS & KR	

---

**BOARD DECISION:**

The Indeterminate Sentence Review Board (ISRB) approves release for Greg Martinez as outlined in the Offender Release Plan (ORP) dated April 3, 2015.

Mr. Martinez will reside in Pierce County at 1902 South M Street, Tacoma, WA 98405.

Contact phone number is [REDACTED].

Within 24 hours of release, the offender will report to CCO Allen Werth at the DOC office located at 1016 South 28th Street, Second Floor, Tacoma, WA 98409. The CCO's phone number is (253) 680-2626. The Board expects compliance with all conditions and full cooperation with the CCO. The CCO shall immediately report any violations to the Board at [lsrb@doc1.wa.gov](mailto:lsrb@doc1.wa.gov) or (360) 493-9266.

**ADDITIONAL COMMENTS:**

Mr. Martinez and his CCO are to meet in person as soon as practical upon release to be thoroughly familiar with all Court and Board ordered conditions of community custody.

ATTACHMENT N

MARTINEZ, Greg – DOC # 897221  
Page 2 of 2

**HISTORY:**

Mr. Martinez is under the jurisdiction of the Board on a conviction of Rape of a Child in the First Degree out of Thurston County under Cause #05-1-01083-9. He was originally granted a SSOSA (Special Sex Offender Sentencing Alternative) sentence on September 27, 2006, which was revoked on September 21, 2009. His current time start is September 25, 2009. His maximum term is Life. Mr. Martinez has served approximately 68 months in prison, and 839 days of jail time.

TS & KR: ts  
May 11, 2015

CC: MCC - WSR  
Greg MARTINEZ  
File



# **ATTACHMENT O**



STATE OF WASHINGTON  
DEPARTMENT OF CORRECTIONS  
INDETERMINATE SENTENCE REVIEW BOARD  
PO BOX 40907 • Olympia, Washington 98504-0907

**IN THE MATTER OF:**

Name: MARTINEZ, Greg  
DOC#: 897221 Date of Birth: [REDACTED]  
Time Start: 09-25-2009  
Date of Sentence: 09-27-2006  
Max Expiration: LIFE  
Statutory Maximum Term: LIFE  
County: Thurston Cause #:05-1-01083-9

**ORDER OF RELEASE AND SUPERVISION  
CONDITIONS**

**CCB Offenders**

**RCW 9.94A.507  
(Formerly RCW 9.94A.712)**

**Release Date: 06-04-2015**

After a careful review of all available information, the Indeterminate Sentence Review Board (ISRB) hereby orders the Secretary of the Department of Corrections (DOC) to release to community custody supervision Greg MARTINEZ, DOC #897221, an inmate of a Washington State Correctional Facility.

You will be on community custody supervision for the length of your statutory maximum term. The ISRB expects compliance with all conditions and your full cooperation with your DOC Community Corrections Officer (CCO).

You must comply with the court ordered conditions for your Thurston County, 05-1-01083-9 Judgment and Sentence. Those conditions are incorporated in this document and are enforceable by the ISRB. In addition, you must comply with the conditions ordered by your CCO. You must also comply with the following conditions. To request a change to any of the conditions of your release, you must write and have the approval of the Thurston County Superior Court for Court ordered conditions or the ISRB for all other conditions.

If you violate any condition of your release, either the ISRB or your CCO may issue an order for your arrest and detention. Pending a review of the alleged violation, the ISRB may revoke this release to community custody.

**RELEASE TO COMMUNITY CUSTODY IS HEREBY GRANTED SUBJECT TO THE FOLLOWING TERMS AND CONDITIONS:**

1. As required by RCW 9A.44.130-140, within 3 business days of release, you must register as a sex offender with the Sheriff of the county where you reside.
2. Upon release from the Correctional Facility, you must report within one business day to your CCO or any other person designated by DOC. Thereafter, you must report as directed.
3. You may not leave the state of Washington without prior written permission from your supervising CCO.
4. You must obey all laws and court orders, including any conditions set forth in your Judgment and Sentence, and abide by all conditions imposed by the ISRB.
5. You are prohibited from owning, possessing, receiving, shipping, or transporting a firearm, deadly weapon, ammunition or explosives.
6. You must submit to a search of your person, residence, vehicle and/or possessions when requested by a CCO. This includes the search of your computer, cell phone and any other electronic devices.
7. You must consent to DOC home visits to monitor compliance with supervision. Home visits include access for the purpose of visual inspection of all areas of residence in which the offender lives or has exclusive or joint control or access.
8. You must reside at a location and under living arrangements that have been approved in advance by the CCO, and you must not change such arrangements/location without the prior approval of your CCO.

ADDITIONAL CONDITIONS  
CCB, RCW 9.94A.507

MARTINEZ, Greg  
Offender Name:

897221  
DOC#:

Additional Specific Condition(s):

- A. You must enter into, successfully participate in, and complete the community phase of the Sex Offender Treatment Program. Sign all releases necessary to ensure that the CCO can consult with the treatment provider to monitor progress and compliance.
- B. You must not engage in a romantic and/or sexual relationship without first disclosing your status as a sex offender and the nature of your crime(s) and unadjudicated victims. You must also disclose any romantic and/or sexual relationships to your CCO and your sexual deviancy therapist.
- C. You must obtain a mental health evaluation within 60 days of your release and provide a copy of the evaluation to your CCO and the ISRB. You must enter into, successfully participate in and complete all recommended treatment protocols and sign all releases necessary to ensure that the CCO and ISRB can consult with the treatment provider to monitor progress and compliance.
- D. You must not enter Thurston County without prior written approval of your CCO and the ISRB.
- E. In releasing under this Order, both you and the State agree that the results of any polygraph examination required by your Judgment and Sentence shall be admissible in any violation hearings held before the ISRB.

INDETERMINATE SENTENCE REVIEW BOARD

04-30-2015  
Date:

Decided by:  
Thomas N. Sahlborg  
Member's signature

Decided by:  
Kosia Rongon  
Member's signature

I have read, or have had read to me, the foregoing conditions of my community custody and have been given a copy; I fully understand and I agree; in consideration of granting of community custody, to observe and abide by such conditions. I FURTHER UNDERSTAND THAT I AM ALSO ON SUPERVISION FOR THE FOLLOWING CONVICTION(S) for County Cause #

05-20-2015  
Date:

~~Greg Martinez~~  
Offender's signature:  
Greg MARTINEZ  
Offender's name:

Witness's signature:



STATE OF WASHINGTON  
DEPARTMENT OF CORRECTIONS  
INDETERMINATE SENTENCE REVIEW BOARD  
PO BOX 40907 • Olympia, Washington 98504-0907

IN THE MATTER OF:

CCB Offender: MARTINEZ, Greg  
DOC #: 897221

The conditions of your release must reasonably relate to at least one of the following:

1. The crime of conviction;
2. Your risk to reoffend;
3. The safety of the community.

If you feel the conditions are not related to the list above, you may file an appeal with ISRB under RCW 9A.704 (10) jc). To file an appeal, contact the ISRB with a written request that clearly states which condition(s) does not relate to the list above. Explain why you believe it is unrelated. Mail your appeal to the ISRB at PO Box 40907, Olympia, WA 98504-0907. Appeals must be postmarked no later than one business day from the day you sign the Release Order and Conditions. ISRB business days are Monday through Friday.

The ISRB will hold an Administrative Review of your appeal. The ISRB will notify you in writing with the results of the review.

IMPORTANT NOTE:

All conditions including the condition(s) in question will remain in effect until the ISRB rules that the condition does not correlate to an item above.

*I have read, or have had read to me, this notice of my right to appeal a condition or conditions of my release. I understand that I have the right to appeal and that my appeal must be postmarked no more than one business day from today. I understand that I must comply with all conditions until the Board makes a decision regarding my appeal.*

5-20-15

Date:

Greg Martinez

Offender's Signature:

## **EXHIBIT 2**

NO. 49145-1-II

**COURT OF APPEALS, DIVISION II  
OF THE STATE OF WASHINGTON**

In re the Personal Restraint Petition of:

GREG MARTINEZ,

Petitioner.

DECLARATION OF  
JILL K. GETTY

I, Jill K. Getty, make the following declaration:

1. I have been a Hearing Investigator III for the Department of Corrections (DOC) at the Indeterminate Sentence Review Board's (ISRB or Board) office in Lacey, Washington, since August 2008. From 2003 through 2008 I was a Community Corrections Officer (CCO) with the Department of Corrections. I have knowledge of the facts stated herein and am competent to testify.

2. The role of the Hearing Investigator III is to assist the Board in preparing for in-custody offender release hearings by accumulating and analyzing file information. Also, once the Board has found an individual "releasable," the Hearing Investigator reviews the proposed release plan for appropriateness, and recommends conditions of community supervision. In addition, Hearing Investigators work directly with Community Corrections Officers in the community to address violations of community supervision, including presiding over low-level

Violation Hearings. Hearing Investigators are also responsible for resolving a wide-range of issues that arise with offenders under the jurisdiction of the ISRB in both the institutions and the community, representing the ISRB in various work groups and committees, and are frequently in contact with offenders, families, DOC staff (prison and community), attorneys/prosecutors, other state of Washington agencies, as well as other stakeholders.

3. The Petitioner in this proceeding, Greg Martinez, DOC #897221, was sentenced to an "indeterminate plus" sentence under RCW 9.94A.507 and is therefore under the jurisdiction of the ISRB. One of the conditions of his release imposed by the Board is that he obtain permission of the Board and his CCO prior to traveling to Thurston County.

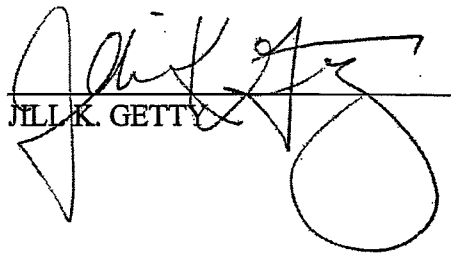
4. I was asked by Respondent's counsel to determine whether Mr. Martinez has received permission to travel to Thurston County since his conditional release in 2015.

5. In order to determine the answer to that question, I consulted the chronological notes for Mr. Martinez' supervision on OMNI, DOC's offender information database. I also verified the information I obtained from OMNI by contacting CCO3 Jessica Bullock, Mr. Martinez' current supervising CCO.

6. I determined that CCO3 Steven Pyka, Mr. Martinez' prior CCO, granted Mr. Martinez permission to travel to Thurston County on three occasions: (1) CCO Pyka granted him a travel pass in June 2016 to attend a court hearing. However, it does not appear that he ever attended that court date because it was continued; (2) He was next granted a travel pass by CCO Pyka on August 22, 2016, to go to St. Peter's Hospital in Olympia to visit his father; and (3) CCO Pyka granted a travel pass on September 26, 2016, for Mr. Martinez to attend an appointment with his attorney on October 7, 2016 in Thurston County.

I declare under the penalty of perjury of the laws of the state of Washington that the foregoing is true and correct to the best of my knowledge.

EXECUTED this 27 day of October 2016, at Lacey, Washington.

  
JILL K. GETTY



## **EXHIBIT 3**

NO. 49145-1-II

**COURT OF APPEALS, DIVISION II  
OF THE STATE OF WASHINGTON**

In re the Personal Restraint Petition of:

GREG MARTINEZ,

Petitioner.

DECLARATION OF  
SHEILA R. LEWALLEN

I, Sheila R. Lewallen, make the following declaration:

1. I am a Program Specialist 5 for the Department of Corrections (DOC) at the Indeterminate Sentence Review Board's (ISRB or Board) office in Lacey, Washington. I have knowledge of the facts stated herein and am competent to testify.

2. I am a Licensed Mental Health Counselor with specialized training in trauma. In addition to working with victims for 35 years, I taught Victimology at St. Martins University for 12 years, and I was a Sex Offender Treatment Therapist with DOC for a couple of years.

3. I currently serve as the Victim Liaison for the ISRB. In that capacity I have frequent contact with the victims, and family members of victims, of the crimes committed by offenders who are under the Board's jurisdiction, including sex offenders sentenced under RCW 9.94A.507. Among other duties, I am the primary source of information

provided to the Board about victims' concerns pertaining to offender release plans and conditions of community custody.

4. I am familiar with the case of Greg Martinez, DOC #897221. He is a sex offender convicted in Thurston County Superior Court of one count of Rape of a Child in the First Degree and sentenced under RCW 9.94A.507. He is therefore subject to the Board's jurisdiction and Board-imposed conditions of community custody for life. I have spoken with the mother of the victim of Mr. Martinez's crime on several occasions.

5. The Board determined that, as a condition of Mr. Martinez's release from confinement, he could not live at his parent's home in Lacey, Washington, and could not reside in Thurston County. Additionally, any travel to Thurston County would require the prior approval of the Board and his Community Corrections Officer (CCO).

6. There are strong safety concerns supporting the Board's geographic conditions. Mr. Martinez is the victim's uncle. He molested the victim multiple times when the victim was between six and nine years of age (when the abuse was reported) and threatened the victim not to disclose the abuse to anyone. The victim began to make excuses to avoid going to his grandparent's home, where Martinez lived. For a substantial period of time, he was too afraid to tell his mother why he did not want to

go there. Mr. Martinez sometimes bribed the victim with promises or gifts or threatened to hurt him if he told.

7. At the time of the victim's disclosure of the abuse to law enforcement, the victim was suffering from severe headaches and was exhibiting anger at home and at daycare. During the time Mr. Martinez was in prison, the victim's behavior stabilized. He is now 20 years old and is enrolled in college. He commutes to school and lives in his family's home in Lacey, which is in close proximity (approximately three miles) to the Lacey home of Mr. Martinez's parents.

8. The victim's mother is deeply concerned that allowing Mr. Martinez to reside in Thurston County presents a safety concern for her family and that there is a strong likelihood it will negatively impact her son's ability to successfully complete school and transition to adulthood.

9. On December 7, 2015, the victim's mother notified me that a female caller had contacted her son (the victim) and asked him questions about whether or not Mr. Martinez should be allowed to return to Thurston County. The caller was a female who identified herself quickly and would not identify herself again when the victim asked for her name and agency. The victim was caught completely off guard by this conversation, causing a very negative, emotional reaction and reactivating his trauma. The victim's mother confirmed that this phone call to her son was very

alarming and upsetting to him. I was unable to determine who the unidentified female caller was.

10. On February 2, 2016, I received a phone call from attorney Richard Woodrow, during which he questioned me about my contacts with the victim in Mr. Martinez's case. I advised Mr. Woodrow that due to confidentiality, I would not discuss any contact I had had with a victim. Mr. Woodrow said, "Well, we talked to the victim." I informed Mr. Woodrow that if his client was making a request to travel or move to another county, he would need to make the request through his CCO. I was extremely concerned that a defense attorney (or someone from his office) may have had direct contact with a crime victim on behalf of a client, despite an active order forbidding such contact with the victim.

11. I have provided this information, and the concerns expressed by the victim and the victim's mother, to the members of the Board to assist in their decision-making in Mr. Martinez's case.

I declare under the penalty of perjury of the laws of the state of Washington that the foregoing is true and correct to the best of my knowledge.

EXECUTED this 27th day of October 2016, at Lacey, Washington.

  
SHEILA R. LEWALLEN

# WASHINGTON STATE ATTORNEY GENERAL

**October 31, 2016 - 2:55 PM**

## Transmittal Letter

Document Uploaded: 3-prp2-491451-Response.pdf

Case Name: In re the Personal Restraint Petition of Greg Martinez

Court of Appeals Case Number: 49145-1

**Is this a Personal Restraint Petition?** ☒ Yes ☐ No

### The document being Filed is:

Designation of Clerk's Papers

Supplemental Designation of Clerk's Papers

Statement of Arrangements

Motion: \_\_\_\_\_

Answer/Reply to Motion: \_\_\_\_\_

Brief: \_\_\_\_\_

Statement of Additional Authorities

Cost Bill

Objection to Cost Bill

Affidavit

Letter

Copy of Verbatim Report of Proceedings - No. of Volumes: \_\_\_\_\_

Hearing Date(s): \_\_\_\_\_

Personal Restraint Petition (PRP)

☒ Response to Personal Restraint Petition

Reply to Response to Personal Restraint Petition

Petition for Review (PRV)

Other: \_\_\_\_\_

### Comments:

No Comments were entered.

Sender Name: Judy A Lonborg - Email: [judythl@atg.wa.gov](mailto:judythl@atg.wa.gov)

NO. 49145-1-II

**COURT OF APPEALS, DIVISION II  
OF THE STATE OF WASHINGTON**

In re the Personal Restraint Petition of:

GREG MARTINEZ,

Petitioner.

CERTIFICATE  
OF SERVICE

I certify that on October 31, 2016, I caused to be electronically filed *RESPONSE OF THE INDETERMINATE SENTENCE REVIEW BOARD* with the Clerk of the Court using the electronic filing system. I inadvertently did not mail a copy to Petitioner's counsel as I assumed that the Court would forward a copy to him. On the date below I emailed a copy of the Response to Petitioner's counsel and am hereby mailing a copy along with this Certificate of Service to:

RICHARD ALLEN WOODROW  
ATTORNEY AT LAW  
3732 PACIFIC AVENUE SE  
OLYMPIA WA 98501-2125

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I certify under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct.

EXECUTED this 14th day of November, 2016 at Olympia, WA.

s/ Judy Lonborg  
JUDY LONBORG  
Legal Assistant  
Corrections Division OID #91025  
PO Box 40116  
Olympia WA 98504-0116  
(360) 586-1445  
JudythL@atg.wa.gov



# WASHINGTON STATE ATTORNEY GENERAL

**November 14, 2016 - 1:43 PM**

## Transmittal Letter

Document Uploaded: 3-prp2-491451-PRP-Response-COS.pdf

Case Name: In re the Personal Restraint Petition of Greg Martinez

Court of Appeals Case Number: 49145-1

**Is this a Personal Restraint Petition?** ☒ Yes ☐ No

### The document being Filed is:

Designation of Clerk's Papers

Supplemental Designation of Clerk's Papers

Statement of Arrangements

Motion: \_\_\_\_

Answer/Reply to Motion: \_\_\_\_

Brief: \_\_\_\_

Statement of Additional Authorities

Cost Bill

Objection to Cost Bill

Affidavit

Letter

Copy of Verbatim Report of Proceedings - No. of Volumes: \_\_\_\_

Hearing Date(s): \_\_\_\_

Personal Restraint Petition (PRP)

Response to Personal Restraint Petition

Reply to Response to Personal Restraint Petition

Petition for Review (PRV)

☒ Other: Certificate of Service

### Comments:

No Comments were entered.

Sender Name: Judy A Lonborg - Email: [judythl@atg.wa.gov](mailto:judythl@atg.wa.gov)